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MR. PHELPS' APPEAL

TO THE

PEOPLE OF VERM[illegible]NT,

IN

VINDICATION OF HIMSELF,

Against the Charges made against him

UPON THE OCCASION OF HIS RE-ELECTION TO THE SENATE OF THE UNITED STATES, IN RELATION TO HIS COURSE AS A SENATOR.

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Advertisement.

The question may be asked why this vindication has been delayed so long, when the testimony was within my power last winter, and could have been presented to the public before. The explanation of the matter is, that my object has been my own vindication merely. Had this appeal appeared at an earlier period, it might have been regarded as an attempt to influence the late elections in some shape, and I chose not to subject myself to any such charge. The period has now arrived when no imputation of that sort can be made, and when I feel at full liberty to submit it to the public.

SAMUEL S. PHELPS.

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TO THE PEOPLE OF VERMONT.

As a public servant invested by you with a highly important and responsible public trust, I entertain a high sense of my accountability to you for the manner in which that trust is discharged; and I feel bound on all proper occasions to vindicate my public course whenever and wherever it may be questioned. It is now nearly fourteen years that I have been honored by your confidence, seven of which were spent in the responsible station of a Judge of your highest judicial tribunal, and more than six in the highest office in your gift, that of your representative in the Senate of the United States. Nor is this all. By my recent re-election to that post you have expressed your continued confidence in me, and conferred upon me for six years to come the responsibilities of that high station. Under these circumstances, my character as a public man becomes public property, and if it be assailed it is due to you as well as to myself that it be vindicated. Further apology for this appeal I deem unnecessary.

The occurrences of the last fall, upon the occasion of my re-election to the Senate, must be fresh in the recollection of all who witnessed them. The attacks upon my character both public and private made too deep an impression and elicited too much feeling to be readily forgotten. Possibly it may be thought that I should be satisfied with the decisive verdict then pronounced by the representatives of the freemen of this State. A most decisive one I admit it was, when we consider that it was a question for the whigs alone,—the adverse party in voting for one of their own political faith offering no disparagement to me. To a certain extent I am satisfied; but to a certain extent it is due to those who sustained me on that occasion to vindicate them, and, at the same time, to show them that their confidence was not misplaced.

The right of self-defence is admitted everywhere. It is one which I cannot surrender. There are strong and satisfactory reasons why I should avail myself of it now, not the lightest of which is that I had on that occasion no opportunity for defence.

Indeed a more extraordinary proceeding than the inquisition established to investigate my conduct is not to be found in the history of this or any other country. It certainly has no precedent, and it is to be hoped will never be repeated. The institution of a committee to inquire into the character of an individual merely because he is made a candidate for office,—to search for his personal defects and failings,—to violate the sanctity and confidence of his domestic fire-side,—to gather up the gossiping tales in relation to his private and confidential intercourse which the malignity of his enemies may have set afloat,—to embody them in the imposing form of a report of a committee of the Senate of Vermont,—to publish the whole to the assembled representatives of the people, and through them to the world at large, and to leave it recorded for future use whenever personal hostility or selfish motives might dictate, is a device to which party malignity has never resorted elsewhere, and which seems to have been reserved to do honor to a certain portion of the whigs of Vermont. If the project itself was a novelty and an outrage, the constitution of the

committee and their proceedings were worse. Two of the three committee-men were known to be personally hostile to me, and one of them had been mousing about the State to pick up the scandalous gossip in relation to my private life, and soliciting of those who had boarded with me at Washington, information in relation to our social and domestic intercourse there, which solicitation they, as honorable men, felt bound to repel with contempt. The third man was one of whom I knew neither good nor ill, but who was probably regarded as a cypher when he was selected. That such a committee would do me justice, was not to be expected. The only excuse to be given for the selection is that no honorable man could be found to undertake the service.

The first step of this committee was to address letters to men not only notoriously hostile to me, but two, nay three, of whom were candidates for my place, and who were well understood to be acting in concert to sacrifice me to make way for their own pretensions. These letters were neither limited in their purpose to my public conduct, nor to the personal knowledge of those to whom they were addressed; but my conduct and demeanor in the domestic circle was called for, and evidence of *hearsay* was in terms solicited. That such inquiries should be directed to men thus situated, is surprising; yet it is still more so that men thus situated should have had the indelicacy to respond as they did. The reader will perceive that much, nay all, of the testimony which bears upon my official conduct, and which is material, is hearsay, and that the committee proceeded to lay before the whig convention, for the purpose of sacrificing, ruining and disgracing me, evidence which would not in any justice court in the State have settled the title to a card of gingerbread. Nor did the outrage stop here. These communications were laid before the convention without giving me an opportunity even to know their contents, much less to explain or rebut them; and it was not until after these statements had been commented upon in speech after speech and enforced by all the ingenuity and talent of my enemies that the convention saw fit to admit me to address them in my own vindication. And even then, I was forced upon my defence without the opportunity to look for or obtain any evidence except such as had been accidentally within the reach of my friends in the convention. Indeed I had then seen but one of the communications addressed to the committee, and that I had read for the first time the very evening that I addressed the convention. The contents of the others were never known to me until the 21st day of January last, when copies of them were received by me at Washington.

Having been thus assailed and thus treated, with all for which a man might desire to live, at stake, and depending upon a proceeding so utterly at war with all our notions of justice towards an accused, I deemed it my duty to avail myself of my position at Washington to procure the evidence of those with whom I have had the honor to be associated there. In doing this I have confined myself to what I consider the only legitimate subject of public inquiry and discussion, to wit, the discharge of my duty as a public servant.

I might perhaps have been justified in declining to notice the proceeding at all. committee was got up to make an inquisition into my private life,—to hunt for and [illegible] into light, and array before the public my imperfections and frailties, and for this purpose to invade and to betray the confidence of social and private life;—this committee was packed, partial, and utterly disqualified by previous personal hostility to me, for the honest discharge of their duty (if duty it can be called);—they appealed to known and vindictive enemies for proof, and even from them solicited, not merely their knowledge of facts, but information derived from idle gossip, rumor, reports,—set afloat by personal and party malignity, and from which no man in a station of high responsibility is at this day exempt;—thus resorting to a species of evidence which, if tolerated at this day, would prostrate and disgrace the best men of all parties without distinction or discrimination, and by force of which, if it have any force, the great leader of the whig party, and their candidate for the highest station in this country and perhaps in the world, may be made out a drunkard, a whoremonger, and a blackleg. Such was the material to which the committee resorted; and when they had gathered it, the mass was thrown before the representatives of the people of this State without affording me an opportunity to meet it, or even to know its purport. The scandal thus scraped together was enforced with all the zeal and power which the conspirators could command; but unfortunately for them, with a personal bitterness and malignity which betrayed and defeated its purpose.

With these remarks I will proceed to examine the charges brought against me; and I shall take first in order the charges upon my public and official course. These charges are contained in a communication addressed to the committee, and signed *William Slade*, and by the committee laid before the whig convention. Its language is as follows:

"Among your inquiries I find one asking of me information in regard to Mr. Phelps' having at any time without sufficient cause neglected his appropriate duties.

"A reply to this inquiry seems to involve the necessity of stating the facts in connexion with the vote on the tariff bill of 1842. That bill, (I mean the bill that became the present tariff law) having passed the House had been before the Senate some time when the day arrived which it was supposed would terminate the debate. Great anxiety was felt for the result which was regarded as doubtful, and many members of the House were in the Senate chamber to witness the debate. I was among the rest and observed that Mr. Phelps appeared very much excited. I was informed (by whom I cannot remember) that he had been offended at some supposed slight or want of attention (on the part of some senators) and used opprobrious language in regard to them and declared with oaths that he would not vote on the bill, and I understood in the course of the day that several senators had made ineffectual efforts to see him.

"Sometime after sun-down, the Senate being still in session, and it being suspected that the final vote on the tariff would be taken that night, Mr. Cranston, a member from Rhode Island, came to me and said that Mr. Phelps was acting strangely, swearing that he would not vote and requested me to go to the Capitol and see if something could not be done. I accordingly repaired to the Senate Chamber and found that Mr. Phelps was not in his seat. I inquired of the door-keeper at the southern entrance where he was who informed me that he was in a small ante-room just at the entrance with Mr. Conrad of Louisiana who I understood was endeavoring to persuade him to vote. This I learned from the door-keeper as well as from others, I returned into the Senate Chamber where I remained until the debate closed. Mr. Woodbridge of Michigan was the last speaker. The secretary was thereupon ordered to call the Yeas and Nays. I immediately went to the door-keeper and asked him where Phelps and Conrad were, who replied that they had left the senate-room and gone into some other part of the Capitol he did not know where. I requested him to go for them immediately. He went and found them, and they came and went past me in the senate chamber just as Mr. Phelps' name was called. He did not answer but passed to his seat which was in the southern part of the chamber.

"The roll having been gone through, the clerk called the name of Mr. Conrad who answered in the affirmative. He then called Mr. Phelps, who did not answer, but turned round to Mr. Conrad who was standing behind him, and said "Conrad have you voted?" to which Mr. C. replied that he had. I stood some 15 or 20 feet from them, and heard the whole distinctly. The secretary then again called Mr. Phelps who answered in the affirmative and the bill was carried by a majority of one.

"I conversed with the whole of our delegation, including Gov. Crafts, on the subject the next day and stated the occurrence as I have here done.

"Mr. Phelps had at the previous session, as I understood, declared that he would not vote for the land distribution bill under circumstances similar to those connected with his refusal to vote for the tariff, but of this I had no personal knowledge."

Before I proceed to disprove the statements here made, I have a word to say as to the source and character of this testimony. It comes from a man who has been for years notoriously a candidate for my seat in the Senate, he having in numerous instances avowed himself such, and one who, if he has not been egregiously misunderstood and belied, has been for six years laboriously and zealously at work to supplant me. So well was his position in relation to me understood, that, unless I am misinformed, it was suggested and assented to, by those present when this extraordinary committee was appointed, that no appeal should be made to that source for information. If this person, thus situated, was possessed of facts *known to himself* and known *only* to himself, it would furnish an apology for calling on him, but this in my judgment is the only apology which the case admits of. To call upon him for rumors and reports, and for hearsay, which he would catch at with avidity, and unless possessed of more candor than I am disposed under the circumstances to award to him, would aggravate as far as possible, only indicates the temper with which the committee undertook the business and the spirit with which it was prosecuted.

A word as to the character of the testimony. In all these formidable statements what is there which is within the knowledge of its author and which can be regarded as competent evidence? Nothing on earth of the least importance, or which bears upon my character or conduct, unless it be, first, my absence from my seat at the moment when the question was put, a circumstance not only of daily occurrence in the Senate among members, but one which is never regarded by them as important, and which, in the very instance alluded to, led to no practical result; and secondly, my declining to vote when I came in, with respect to which he is unfortunately contradicted, as will be seen presently by numerous witnesses. All the rest is mere hearsay; and is introduced by phrases like this: "I was informed, by whom I cannot remember"—and "I understood in the course of the day"—

"Mr. C. came to me and said"—"I inquired of the door-keeper, who informed me"—"Who I understood was endeavoring"—"This I understood from the door-keeper, as well as from others"—"I went to the door-keeper and inquired, who replied," &c. Here are seven instances in the course of this short statement of this sort of phraseology. Now the committee must have known, as lawyers and as men of common information, and *His Excellency* knew, as a lawyer, and ought to have known and felt as an honorable and candid man, that no man should be sacrificed upon such evidence. The latter has perhaps this extenuation, that it seems from the introduction of his statement, that the committee ask him "to state such incidents as have come to my knowledge either by my own observation or through the testimony of others *whose assertions I could not discredit*," &c. Now that this qualification (in italics) was regarded both by *the committee* and *His Excellency* as mere form, to throw a gloss of decency over the course of inquiry, is apparent from the conduct of both. His Excellency gives the committee to understand, either that he does not understand them to desire to know the source from which his information is derived, or that he is willing to endorse the credibility of his informant without knowing who he is. The grand charge of all depends upon "*I was informed, by whom I cannot remember*," &c. Did His Excellency or the committee consider that, in using this language, the one was giving and the other receiving reliable testimony,—or did they mutually understand the purpose of each other to be to gather up the unfavorable rumors within their reach, and by embodying and giving to them the imposing form of a Report of a Committee of the Senate of Vermont, to render them doubly effectual to my prejudice? It is in vain for them, in my judgment, to attempt to impose upon the people of Vermont the belief, that in this course of proceeding they considered themselves as acting an honest or an honorable part.

Stripping Mr. Slade's statement, then, of hearsay and rumor, and admitting all which he professes to *know* as true, what does it amount to? Why, simply to this: that I was not in my seat when the question was put, and did not answer to my name at the first call. Still I was in my place, and voted in season to have my vote recorded and counted, and the bill was saved. How my temporary absence is to be regarded, the reader will perceive, when we come to the testimony.

Yet these trivial circumstances are gravely put forward, under the imposing authority of the Governor of the State, as an instance in which "Mr. Phelps neglected his appropriate duties." The spirit which can advance such a charge with so much form and parade, will be duly appreciated by the public, and they will learn from it *how* to appreciate the credibility of the witness.

But *hearsay*, as the whole statement is, at least in all its material particulars, I will proceed to examine it in detail, and to show that the whole story, in all that is material, is a vile fabrication.

The first thing relating to me is, that Mr. Slade "observed that Mr. Phelps was very much excited." That we were all excited at that great political crisis, is not to be doubted. If I were so from "excessive anxiety for the fate" of the bill, it is a feeling in which the Governor himself participated, if you can believe him; for he has taken great pains to impress the people of the State with a due sense of his deep anxiety and invaluable services in the matter. If he means a different kind of excitement, and from the temper which evidently dictated his communication I suppose he does, it belongs to another branch of the subject, and we will dismiss it for the present.

"*I was informed, by whom* I *cannot remember*, that he had been offended at some supposed slight or want of attention, [on the part of some Senators,] and used opprobrious language in regard to them; *and declared with oaths that he would not vote on the bill: and I understood in the course of the day, that several Senators had made ineffectual efforts to soothe him*"

This, it will be perceived, is the *gravamen*—the sum and substance of the whole charge. It was this that startled the good people at Montpelier who did not appear to perceive that the whole story was a piece of gossip, and that the witness, who had put forth the story, and who was called upon to sustain it, in reality knew nothing about it. Yet this hearsay from "*whom I cannot remember*" has well-nigh both sacrificed and disgraced me forever.

Before adverting to the testimony, let us note the state of things in the Senate at the time this misconduct is supposed to have occurred. The Whig party, which came into power the year before under the most cheering circumstances and with the most brilliant prospects, found itself suddenly arrested by the decease of the lamented Harrison, and the accession to the executive chair of one in whom they had most unluckily reposed confidenceas the second executive officer, and who had already not only betrayed to them and

to the world his utter destitution of all consistency and principle, but had given most unerring indications of his purpose to thwart their measures, to sacrifice them as a party, and, if necessary to the attainment of his vindictive purposes, to sacrifice the great interests of the country with them. The Bank bill, after passing both houses of Congress, had been defeated by the perversity and bad faith of the President. The land distribution had been adopted, but both these were, in the estimation of the whigs generally, secondary measures. The great measure of a protective tariff was as yet unaccomplished. This last was regarded by the whigs of the north especially as the radical measure for the relief of the country, and the one upon which both the others if adopted must depend for their efficiency. It was the last and only remaining hope of the whigs, and if defeated in this it was a very general opinion that the party must be dissolved. In this state of things the tariff bill of 1842, having passed the House of Representatives, came before the Senate, where it encountered serious difficulties. It was well understood that the bill could not receive the executive sanction unless the land distribution should be surrendered, at least for the present, and many Senators had expressed a fixed determination not to yield to executive dictation, Some southern Senators did not feel at liberty to vote for the bill in defiance of the prevalent opinion at the south, adverse to the protective policy. Under these circumstances, it was uncertain whether the bill could be carried at all. During the last day of the discussion, the day on which the bill passed, it was well understood that its fate depended upon a Senator from Michigan, who was hesitating in regard to yielding the distribution. With his vote the bill could be carried by one vote—all the whig Senators from New England being counted in its favor; and without it, the bill must be lost. His ultimate determination was not made known until the moment of taking the vote. He was the last man who spoke upon the bill, and he simply expressed his decision to go for the bill—his whole speech occupying but six or seven lines of the ordinary newspaper column. As soon as he sat down, the vote was taken, and the bill carried by a majority of one. It was during this day of anxiety and excitement when the hopes of the whig party in the opinion of all, and those of the country in the estimation of most of us, were at stake, that Mr. Slade charges me with "*declaring with oaths* that I would not vote for the bill," and resisting the efforts of "*several Senators*" to bring me to a sense of my duty. It is apparent that at such a crisis the defection of a whig Senator from New England would have astounded the Senate and the country, and the least indication of such a purpose would have produced a sensation both in the Senate and out of it not to be forgotten. Such a thing could not be kept secret: it would not only have been instantly known through the Senate, but the report would have found its way with the rapidity of lightning to my constituency at home.

Now let us hear the testimony of the members of the Senate on the subject. *I have conferred with every Senator who voted for the tariff of 1842, and with every whig then in the Senate, with one exception, and I have, with that solitary exception, the written testimony of all in reference to this charge.* These testimonials are subjoined, marked from 1 to 32; and the reader is requested to examine them for himself. I have also subjoined a list of the ayes and noes on the final passage of the tariff bill, in order to show who were members of the Senate at that period, and how they voted.

It will be seen that *not an individual among them has the slightest knowledge or recollection of any of the matters laid to my charge, in the above extract from Mr. Slade's written communication* to the committee.

The only whig member whose statement I have not procured, is Mr. Preston of South Carolina, who was decidedly opposed to the tariff, and voted against it throughout. He is a man with whom I had little or no intercourse, and he having been out of the Senate for some years, I did not think it necessary to appeal to him. The unanimous testimony of all the friends of the bill, I think sufficient of itself, as it is almost impossible that there should have been any difficulty about my vote without its being known to some of them. Nor is it very probable that my political opponents, who were opposed to the bill, would have "endeavored to soothe" me. I have not, therefore, deemed it necessary to obtain their testimony.

Had any of these occurrences transpired, as stated by Mr. Slade, would they not have come to the knowledge of Mr. Evans, who, as Chairman of the Committee of Finance, had the peculiar charge of the bill,—of Mr. Porter or Mr. White, who sat next me, one on my right and the other on my left,—of Mr. Wright, who sat immediately behind me, or Mr. Rives, who sat in front,—of Mr. Merrick and Mr. Clayton, whose seats were the second on each side,—of some other member from New England, so deeply interested in the measure; or, at least, of my colleague, Gov. Crafts, between whom and myself there subsisted the most

cordial good feeling, and who, from his age, the high respect I was known to entertain for him—his position as my colleague, and his mild, kind, and persuasive character, would have been at once designated as the man most likely to exercise an influence over me! The inference is irresistible. No such things occurred, or they would have been known to some one of the friends of the bill.

It would now be gratifying if His Excellency would inform us who "several Senators" were who "made ineffectual efforts to soothe" me, and especially he would tell us who was the gentleman "whom he cannot remember," who first told the story, and so kindly thrust it into His Excellency's ears.

But to proceed with the statement:

"Sometime after sundown, the Senate being still in session, and it being expected that "the final vote would be taken that night, Mr. Cranston of Rhode Island came to me at my "lodgings, and said, that Mr. Phelps was acting strangely, *swearing* that he would not vote, "and requested me to go to the Capitol and see if something could not be done." Very kind indeed in Mr. Cranston,—and very considerate withal, considering the question in which he desired interference; but as His Excellency has a letter from Mr. C., of which I have a copy, I will leave him for the present, until I get through with Mr. Slade.

"I accordingly repaired to the Senate Chamber, and found that Mr. Phelps was not in "his seat. I inquired of the door-keeper at the southern entrance where he was, who "informed me that he was in a small ante-room, just at the entrance, *with Mr. Conrad of* "*Louisiana, who I understood was endeavoring to persuade him to vote. This I learned from* "*the door-keeper as well as others.*"

Here we have fortunately the authority upon which the statement was made, viz: the door-keeper *and others*. Who these nameless gentlemen were, who passed under the denomination of *others*, it is desirable to know; especially as we shall soon find that these unknown personages must shoulder the responsibility of the story. The door-keeper, however, is a real tangible person, who is fortunately still alive, and can speak,—may, *has spoken*, for himself. It is a Mr. Larner, whose statement is hereto appended, and numbered 32. Now from this statement of Mr. L., two things appear very distinctly: First that Mr. L. told Mr. Slade no such story; and secondly, if he did, it was wholly untrue. Mr. L. says, "*Mr. Slade is mistaken if he supposes that I informed him that Mr. Conrad of Louisiana was in an ante-room, endeavoring to persuade you to vote.*" He further states that he had passed out before either Mr. Slade or Mr. Conrad came,—that Mr. Slade came in and inquired for me *first* and Mr. Conrad *afterwards*. This shows that Mr. L. could have informed Mr. Slade *no such information*. But this is not all. It is apparent from Mr. L.'s statement, that Mr. Conrad and myself *were not in the ante-room together at all*. It may be necessary to describe the position of this ante-room. It is a very small room, immediately adjacent to the southern entrance of the Senate Chamber. As you approach the inner door of the Senate Chamber, the door of the ante-room is on the right and as near the door of the chamber as it could well be placed, and so near that when the attendant stands on that side, he impedes the passage to the ante-room. This passage is through a wall three or four feet thick, and so narrow that two persons cannot pass each other in it. The room is used for depositing the hats and cloakes of the Senators, and they occasionally retire to it for private conversation. Now, it appears from the statement of Mr. L., that I passed out by the passage which leads towards the Rotunda, and that when Slade and Conrad came and inquired, instead of directing them to the little ante-room, the passage to which was within his reach, he informed them I *had passed out.*

The same thing appears from the letter of Mr. Conrad, which is also submitted, No. 21. This letter of Mr. Conrad's, to which I shall allude again hereafter, shows conclusively that no persuasions were used by him to induce me to vote. It shows what there was to make a story out of; but of this hereafter. It is apparent from this that we did not go into the ante-room together. Mr. C. says, "Seeing him take his hat and *move towards the door leading out of the Capitol*, I endeavored," &c. It so happens that my hat always hung upon the second peg from the door of the ante-room, and so near the door that by practice I was, when going out in haste, not to enter the room, but to stand in the narrow passage and reach my hand in and take my hat. In this position Mr. C. could not pass me; and from this position he saw me move towards the door leading *out of the Capitol*.

Mr. Slade proceeds to state that he went into the Senate Chamber and listened to the debate, and when the Secretary was ordered to call the yeas and nays, "I immediately went to the door-keeper and asked him where Phelps and Conrad were," who replied that they had left the ante-room and gone to some other part of the Capitol, he did not know where.

Here His Excellency is unfortunate again. Mr. Larner says that he told him no such thing. This statement, false and unimportant in itself as it is,yet led to one of the vilest features in the whole conspiracy. This "some other part of the Capitol" was interpreted to mean the refectory in the basement, and it was very gravely asserted that we went below for *something to drink*. And it was, I suppose, upon this assumption, that one of the tools of the conspirators, a member of the House, had the impudence and the meanness to declare, in the presence of both Houses in reference to me, that "he did not want a man there who had to be dragged out of a grog-shop to give his vote." Who manufactured the falsehood, is not, perhaps, for me to determine,—it lies at present at the door of the Governor. Perhaps he is not responsible for the inference; but the letter of Mr. Conrad shows where we went, and shows the inference to be as false as the premises.

Mr. Slade proceeds,—"I requested him to go for them *immediately*. *He went and found "them*, and they came in and went past me in the Senate Chamber, just as Mr. Phelps' "name was called." Here the Governor would doubtless claim great credit for his vigilance in preventing the loss of my vote, and the consequent loss of the bill. Indeed he had discovered great activity as well as vigilance during the five minutes that I was out of my place; for it will be perceived that Mr. Larner says, we were not absent but about five minutes, and Mr. Conrad says he followed me immediately. Indeed, from his statement, it is evident we were absent but a very short time. If the Governer did not make something out of a five minutes absence from my seat at 8 o'clock in the evening on the 27th day of August, after a confinement to the Chamber as stated by Mr. Conrad from 10 in the morning in the hot climate of Washington, it was not from want of bustle and activity, nor of ears to hear many valuable suggestions which unluckily appear to have escaped the hearing of everybody else. But here again His Excellency is as ill supported as ever. Mr. Larner says, "Mr. Slade *is mistaken if he supposes that he sent me in pursuit of them,—that I "found them, and they returned. I did not go in pursuit of you*," &c. Here, too, the bottom is out; and all this superstructure of the Governor's merit in hunting me up and saving the bill, falls to the ground. But let us proceed:

"He [Mr. Phelps] did not answer, but passed to his seat," &c. "The roll having been gone through with, the Clerk called the name of Mr. Conrad, who answered in the affirmative. He then called Mr. Phelps, *who did not answer, but turned to Mr. Conrad who was standing behind him*, and said, 'Conrad, have you voted?'—to which Mr. C. replied that he had. I stood some 15 or 20 feet from them, and heard the whole distinctly. The Secretary then called the name of Mr. Phelps, who answered in the affirmative, and the bill was carried by a majority of one."

Here is a great parade about nothing. Supposing all this to be true, I know not that it is an indictable offence. By the practice of the Senate, a member can vote at any time before the result is announced;—of course, there is no very great anxiety to answer at the first call; and it is every day's occurrence that Senators do not vote at the first call of their names.—(See Mr. Evans' Letter, No. 1.) But His Excellency has at last got upon ground whore he can *profess* at least to *know* something about what he is stating; and he announces with apparent pride, and no doubt great satisfaction, "I stood some 15 or 20 feet," &c., "and heard the *whole distinctly*."

The reader will soon be satisfied that the Governor is blest, not only with wonderful acuteness, but with some little vividness of imagination.

If there is any pith or meaning to this part of the story, it consists in this: that I voted with apparent reluctance, and in a way indicating an aversion to doing my duty. Now, if it should turn out that my name was not called at all until I requested it, that on entering the chamber I went directly to my seat, requested the call of my name, and immediately answered, there would seem to be very little left of the story. Let us hear Mr. Slade's own witness. And here I ought to remind the reader that if he will turn to the letter of Mr. Conrad, (No. 21,) he will find that his letter is addressed to Mr. Slade, and is in answer to a string of interrogatories propounded by Mr. Slade to him. If, therefore, it is not sufficiently explicit in negativing the assertion that he "was endeavoring to persuade me to vote," it is not my fault; but as Mr. S. doubtless interrogated him as to the most material part of the whole statement, his failure to obtain any thing in support of his statement is sufficient for my purpose. What says Mr. Conrad?—"I do not '*think*' that Mr. Phelps' name was called 'just as he entered the chamber,'—on the contrary I think, as I have already stated, that our names had both been already called in their regular order *before* we entered, and that his name *was not again called until he rose and requested the Clerk to call it, and that he*

immediately answered in the affirmative." "I have no recollection of his having been '*twice*' called—*nor of his asking me if I had voted.*" Governor Crafts states that I answered at the first call of my name. Mr. Hale, late Secretary of the Governor, was then in the gallery of the Senate, reporting for the press. He states the same, and adds that if there had been any hesitation on my part, he is confident he should have noticed it. Mr. Clayton, who sat near me, says there was nothing in my manner of voting, which drew his attention, and so says Mr. Machen, the Clerk, (No. 33.)

But there is a view of this subject which is decisive. By the testimony of Mr. Clayton and Mr. Machen, it appears, that after the roll has been gone through with, it is never practised to call the name of a Senator except at his request. Mr. Machen says, "it would be regarded as an official impropriety." It is apparent then that my name could not have been called after I entered the chamber, unless by my request Mr. Conrad says I rose and requested my name to be called. Now if I had risen and requested my name to be called, and had then stood mute, it would have attracted the notice, and excited the astonishment of the whole Senate. Such a spectacle as a Senator on the floor requesting his name to be called, and yet declining to answer, was never exhibited there, and never will be. Should any such case occur, it would excite universal attention. And yet nobody but the Governor remembers the transaction.

There is a circumstance stated by His Excellency, which is of no importance except as it illustrates the accuracy of his recollection. Mr. P. "turned round to Mr. Conrad, *who stood behind him*, and said, 'Conrad, have you voted?'" &c. My seat is in the centre row of seats, and of course near the outer circle of the chamber, and nearly in front of the chair. Mr. Conrad's was in the front row, on the extreme right, and next to the southern entrance. Both Mr. Conrad and Mr. Slade state that I was in my seat. Now every person acquainted with the chamber, will perceive, that the Senate being then full, there was no place for Mr. Conrad behind me, unless it was in the lobby. But he says that he stood at the Clerk's table, which is in the centre of the semi-circle. directly under the Chair—in front, and some distance from me. To address him under such circumstances, instead of turning round, I must have done it across the chamber, and in as loud a tone as I should address the Chair.

I have now gone through with the charge in relation to the tariff of 1842. Before dismissing the subject, however, it may be well to bestow a few remarks upon Mr. Conrad's letter, as this shows all that *did* occur, out of which even the zeal of Mr. Slade could fabricate a story.

And first, I have to say, that as it is apparent from Mr. C.'s letter that the occurrence was never mentioned by him, Mr. Slade could not have made his statement upon his (Mr. C.'s) authority. If the letter goes in any way to sustain or excuse Mr. S. he must consider it as a God-send to the rescue of his veracity. But if any one is disposed to regard the transaction as detailed by Mr. Conrad, as evincing on my part a disposition through impatience at the debate to jeopardize that important measure, I have to answer, that although I have at this day no distinct recollection of the occurrence, yet I have no idea that I entertained the serious purpose of leaving the Capitol, or losing my vote. We had been in session from 10 o'clock in the morning till about 8 in the evening, in a hot climate in the month of August, in a room badly ventilated and excessively crowded by reason of the deep interest felt in the subject of debate. That we should have become impatient of unseasonable debate, is not to be wondered at. And that my movement was intended as a finesse to stop the discussion is probably the fact. Such movements are not uncommon;—indeed I have on other occasions practised the same. That I had no serious purpose of leaving the Capitol is evident from Mr. Conrad's statement, that on reaching the open air I stopped of my own accord, and probably had he not followed me, should not have proceeded as far as I did.

In the next place, had I left the Capitol, the bill was in no danger. It is no uncommon thing for members, when fatigued with the debate, to retire to their lodgings; and as it is never the practice of the Senate to press an important question under such circumstances, except in very urgent cases, the result would have been that the vote would have been deferred until the next day. This is often the case when members retire at a late hour. And finally the bill was in no danger, had the vote been taken. There were Senators present who would not vote for the bill except in case of necessity, but who nevertheless desired its passage. And had the bill been negatived that evening, both Mr. Mangum, the President, and Mr. Berrien of Georgia, were prepared, as the reader will perceive from

their letters, to move a re-consideration the next morning. The result of the whole is, that, to put the worst construction on my conduct, I did not do what I threatened to do; and if I had, no harm would have been done, as none was done. Nor was my conduct singular. Senators often leave in consequence of the lateness of the hour, and more frequently leave thir seats and threaten to retire, and are yet persuaded to remain in the hope that the question will speedily be taken. And it often happens that the vote is after all deferred. Upon the whole, I think the reader will agree with Mr. Conrad, when he says that he "*cannot imagine* how it should have become necessary to refer to a circumstance *so very unimportant.*" Perhaps however the reader, being better acquainted with the parties than Mr. C., will discover the motive and see the necessity of adverting to the circumstance, in order to enable His Excellency the Governor to make much ado about nothing.

One thing farther: Mr. Slade has been foraging about the country for material to back his statement and bolster up his veracity. The letter of Mr. Conrad is one of the fruits of his labors in this way. If he succeed no better elsewhere, he will be convinced, I trust, that it is but an unprofitable labor. He has, however, a letter from Mr. Cranston of Rhode Island, a copy of which is subjoined, (No. 31), which deserves a passing notice. In this letter I attach no importance to his statement of what Mr. Slade '*learned*,' because he evidently repeats what he must have heard from Mr. Slade, and which has already been proved to a stake. All which is important in his statement is the assertion, that I declared to him in the Senate Chamber that I "would not vote for the bill, and it would be lost." Now it is easily proved, as the fact was, that Mr. Cranston was under a misapprehension in this particular. It is apparent that if any such conversation occurred, it must have been some time before I left my seat, as stated by Mr. Conrad; for, as I was out of the chamber, as stated by Mr. Larner, and as is apparent from the whole testimony, but about five minutes, there was not time for Mr. Cranston to go to Mr. Slade's lodgings and bring him while I was out. This being the case, the result, as is evident from all the statements, is that while Mr. Cranston was on this errand of kindness, I was in my seat, impatient for the question, and cursing of the delay. If I had determined not to vote, I had nothing to do but leave the chamber and go home. Instead of that, it is fully proved that I was impatient to end the debate, and get at the question. The true explanation of it is, that Mr. Cranston probably overheard some expression of impatience, and perhaps a threat to leave the chamber unless the debate ceased. Some remark of this kind addressed to him or some one else, and which he probably did not fully apprehend, startled him, and sent him off upon this unnecessary, and, as it proved, foolish errand to Mr. Slade. This is apparent from his own letter; for he proceeds to say, "I did not believe he would vote against it, or even withhold his vote; but yet I felt alarmed," &c.; and from his letter to me, in which he says, "I have only to say and I do it with pleasure, that, on no occasion before or since that day, did I ever see or hear anything in your conduct that indicated a feeling of hostility, or even of indifference towards that important measure; but, on the contrary, on all other occasions, you appeared as anxious for its success as any other member." From all this, it is evident that, whatever he may have heard from me, he did not understand to what I had reference.

I have ever considered Mr. C. an honorable man, yet I am somewhat at a loss to explain his course in this transaction. He boarded with me at that time, and must have known that there was no intercourse between me and Mr. Slade, and ought to have known, that if I were out of humor, he might as soon appease me by throwing a rattlesnake into my bosom. His motives were doubtless good; but if, instead of posting to Mr. Slade, he had appealed to Governor Crafts, or any of my friends in the Senate, he would have discovered the mistake. By the indiscreet course he took, (doubtless unintentionally,) he merely afforded Mr. Slade an occasion for the gross fabrication which he has attempted to impose upon me and my constituency.

I have now done with this matter of the tariff of 1842. The next charge in Mr. Slade's communication to the committee is couched in these words: "Mr. Phelps had at a former session, *as I understood*, declared that he would not vote for the land distribution bill, under circumstances similar to those connected with *his refusal* to vote for the tariff; but of this, *I had no personal knowledge.*"

His Excellency here seems to have been taken with a sudden fit of modesty or discretion. He has no *personal knowledge*, and therefore could not *state*,—forgetting that he had thus far dealt in nothing material but hearsay. This fit of modesty, however, will be explained, when we come to introduce to the reader a certain other *humble aspirant* to my seat in the Senate, in the person of one *Hiland Hall*; to whom doubtless this part of the labor of love had been assigned. It seems that the redoubtable committee had addressed a letter to this

Mr. Hall, being well aware of his position *and prospects*, and feeling confident that he would be equally disposed *to do me justice*. And in this application they also ask for what has "come to his knowledge either by his own observation, or *through the testimony of others whose opinions* he could not *discredit*." Whereupon Mr. Hiland Hall makes the following statement:

"Before the passage of that bill [the distribution bill] by that body, [the Senate,] *some* "*person* came to me in the House of Representatives, and said that *the vote was about to be* "*taken*, that it was likely to be close, and that Mr. Phelps was in an angry mood, and "declared he would not vote; and requested me to go and see if I could not exert a favor- "able influence over him. I accordingly went to the Senate, found some Senators speak- "ing, and Mr. Phelps, I think, walking in the lobby. I accosted him *mildly*, and inquired "how the vote would stand, and if the bill would pass. He answered me *sharply*, he did "not know and did not care,—that he was not going to vote upon it. After a few more "words, either at *my* suggestion or *his*, we went together into a small adjoining room, "within ready call of the Senate, and had a conversation of half an hour or more. Mr. "Phelps appeared highly excited, and in the conversation my efforts were directed to pacify "him and persuade him to vote. He complained of leading whig Senators—named several "of them,—said they did not notice him, but treated him as if he was nobody,—that he had "no friends there or in Vermont,—talked of a plot against him, but without specifying "particulars,—said he would not vote on the distribution bill,—that he should never give "another vote in the Senate,—that he was going to resign his seat in the Senate,—that he "had his resignation already written and in his pocket,—that he should send it to the Gov- "ernor, and pack up and go home. These declarations in regard to his not voting, and "having his resignation in his pocket, were often repeated."

He then goes on with the usual stereotyped phrases of "coarse language" and "abuse of leading whig senators," and winds up with saying that "*Mr. Phelps however voted for the bill.*"

And this twaddle is gravely put forth by a candidate for the Senate of the United States as a dereliction of duty, to be laid before the assembled wisdom of the State of Vermont, as a sort of impeachment under the auspices and management of David M. Camp & Co. It seems that Mr. Hiland Hall was rather more cautious than his Excellent coadjutor, for he introduces but one unknown gentleman, and refers to nobody by name for his authority,—confining his statement, to a private conversation with me, and thus protecting himself from contradiction or exposure. Happily, however, the journals of the Senate give the lie to all pretence of a dereliction of duty, and furnish evidence of my course in relation to that bill, which Mr. Hall can neither deny nor evade. I meet this charge boldly with that journal in my hand. It shows that *I voted fifty-nine time on the call of the ayes and noes on that bill at that session.* And yet such miserable twaddle is introduced to show me unworthy the confidence of my constituency, as having wavered in my duty in relation to this measure.

In order to present the whole of my course in regard to this bill, I will pursue the journal further. The bill was first taken up for consideration on the 9th of August, and was finally passed on the 26th. During that period, the ayes and noes were called, if I count right, 67 times, and I voted 59—thus losing 8 votes. On the 11th of August the bill was taken up late in the day,—two small amendments were proposed and rejected. I do not appear to have been present. The votes stood 27 to 18, and 22 to 18. My vote would have increased the majority. On the 12th the ayes and noes were called twice,—I lost one vote, which stood 35 to 11: on the 13th, three times,—I lost two votes, and in neither case would my vote have affected the result. On the 17th there were six calls: I voted every time. On the 18th and 19th six: I voted every time. On the 20th eighteen times: I voted sixteen—losing the 7th and 8th vote, where my vote would not affect the result. On the 21st, 5 times; I voted each time. On the 22d twelve times: I voted eleven times, losing one vote, which was withheld for this reason: The vote was on the famous proviso of Mr. Berrien. I was satisfied that we could not carry the bill without the proviso, and still did not feel at liberty to go for it. I therefore withheld my vote to let the proviso succeed. The vote stood 24 to 18. My vote of coursewould not have varied the result. They were called three times on the 26th: I voting each time. These, with ten calls on the 8th and 9th, when I voted each time, make in all sixty-seven times that they were called on that bill.

The loss of seven votes I cannot explain. It may have been from occasional absence from the Senate; or 'pairing off,' as it is termed, with some Senator on the opposite side. But the manner in which the omissions occur, shows most satisfactorily that it could not have been from indisposition to act upon the bill. Mr. Hall lays the scene of my delinquency

on the day before the final passage, the 25th. No vote was taken on that day. From the 21st to the 26th inclusive, the ayes and noes were called twenty times. I voted nineteen times, and purposely withheld my vote once, for the reason I have stated. And this is the period when Mr Hall represents me as wavering in my duty.

Having thus shown that I have been guilty of no neglect of duty in regard to this bill, I will advert again to Mr. Hall's statement.

Notwithstanding the effort of Mr. H. to give prominence to what he calls my refusal to vote on the distribution bill, the truth cannot be concealed. There was no intimation that I should not vote on the bill, if I remained in the Senate. No reason was given why I should not, except that if I resigned my place, I should not be there to vote. Upon his own statement, there was no more of it than expressing a purpose of resigning. Supposing then that I did, under the influence of constitutional dejection, aggravated by ill health and by a dissatisfaction with my position, express a momentary purpose of resigning, which was never carried into effect; is this an offence for which I am to be arraigned before the people of Vermont—tried, convicted, and punished. If it be so, it is an offence which I think neither of the gentlemen whose communications I have been examining, will ever lay upon their consciences. Neither His Excellency nor Mr. Hall will, I think, ever entertain the *sinful* purpose of resigning an office which they may be fortunate enough to hold, unless it be with the very laudable view of obtaining a better one.

As for Mr. Hall's rigmarole about my abuse of "*leading whig Senators*," &c., it is scarcely deserving of notice. This seems to have been a favorite topic with certain gentlemen. Mr. Slade has his opprobrious language—Mr. Hall has his abuse of *leading whig Senators*—Ezra Meach has a spice of the same. Now these gentlemen do not tell us whether they trotted off to these *leading whig Senators* to inform them of the outrage. If not, they were evidently deficient in the high sense of duty which they so lavishly profess, and which has compelled them *(though with extreme reluctance)* to place this very important matter in the archives of that illustrious and never-to-be-forgotten committee for the edification of posterity as well as the present generation. That pains have been taken to prejudice me in the estimation of certain prominent members of the Senate, I have reason to know, upon authority no more questionable than that of Senators themselves. But I can assure these gentlemen that they have failed there, as well as elsewhere; and, if I were to venture an opinion, I should say that I stand infinitely higher in the estimation of the Senators to whom I suppose they allude, than the wretched plotters against my reputation and peace.

Mr. Hall says also, that I talked of a plot against me. If I did so, the public will give me credit for my sagacity. That such a plot existed even then, which developed itself at Montpelier last fall, no sensible man can doubt. The *records of the committee* furnish overwhelming proof of it. That Mr. Hall was in it, there is as little doubt; and if it be any satisfaction to him, I can assure him that I expected, from the outset, to find him its cat's-paw.

There is one more aspect in which I desire to present Mr. Hall, and then I will leave him. Mr. Hall, *hearing that I was in an "angry mood,"* comes to me in the guise of a friend,—he finds me, as he says, "highly excited,"—takes me into a private room for private and confidential conversation,—draws from me expressions offensive to other gentlemen, (if his story is to be believed,) and the expression of purposes never carried out,—endeavors, as he says, to pacify me,—finds at last that his purpose is effected, and my duty faithfully discharged,—and yet volunteers to disclose to the world *garbled, colored, and distorted, as they evidently are*, remarks made not only under the influence of excitement, but in confidence. I envy not to Mr. Hall the honor which his own statement reflects upon him in the estimation of honorable men. What had the world to do with this conversation? And for what purpose was it trumpeted forth? Did Mr. H. suppose that this sort of treachery would elevate him in the estimation of the good people of Vermont, and increase his pretensions to my place? All men are liable to this breach of confidence,—men of irritable and confiding temper, more than others,—but should the old adage of "rogues falling out" be verified among these conspirators, Mr. H. himself, with all his mousing caution, might be exposed, and a picture of him presented, as little palatabe to *him* as his is to *me*.

Mr. Hall states further, that he "understood at the time *from others upon whom I could not but rely*, that Mr. Phelps had a similar difficulty about voting for the tariff act of 1842; but I had no conversation with him in regard to that vote." It will be remembered that Mr. Slade also "*understood*" that "Mr. Phelps declared he would not vote for the distribution bill." The manner in which these two worthies endorse each other, is somewhat ludicrous. Mr. Slade makes his charge about the tariff; and, to back his veracity, Mr. Hall

states that he *heard* the same thing at the time. Mr. Hall makes a charge about the distribution; and, to back him up, Mr. Slade "*understood*" the same thing at the time. Neither of them disclose *from whom* they heard the report. Mr. Slade, however, in his anxiety to spread the report, (which is proved to be false,) tells the committee no less than three times in his letter, that immediately after the occurrence, he stated the transaction to his *colleagues*, and to the *whole Vermont delegation*. Thus Mr. Hall got his information from Mr. Slade. Mr. H., on the other hand, entrenches himself by confining his testimony to a private conversation which nobody heard but himself. How then did Mr. Slade get it, except directly or indirectly from Mr. Hall? The result is, that Mr. Hall gets hold of something, and runs to Mr. Slade,—Mr. Slade thinks he has got hold of something, and he runs to Mr. Hall,—and when they are ready to astound the world by their disclosures, each endorses the other by very gravely asserting, "I heard of *the same thing at the time*."

I will now dismiss these charges—the only specific ones made against my official conduct—and submit the matter to the public judgment, observing, as I do so, that after having been subjected to a four years' espionage by these men,—an espionage which has invaded my boarding-house and intruded into my sick-room, and even ascertained the medicine which was administered, it is rather gratifying that the only charges of official delinquency which I have been called to meet, are the two thus feebly supported.

I might leave the whole subject here. But my assailants have seen fit, not only to arraign my public conduct, but in their zeal have attacked me in my private character and habits, charging me with habits not only degrading in themselves, but which tend to disqualify me for the discharge of my public duties; and they have even invaded my domestic and social circle at Washington, accusing me of being troublesome in the mess,—of exciting "very unpleasant feelings among the boarders, especially among females," some of whom are named,—of using language in the presence of females coarse and unbecoming a gentleman,—in short, of offending the nice moral sense of *Charles Adams* and the virgin delicacy of *Ezra Meech*. Mr. Hall and Mr. Slade are quite philosophical upon the subject of my natural jealousy and violence of feeling. My constitutional defects are such as the God of nature made them. No man is without defects of some kind; and if I were to turn the tables upon some of these gentlemen, I might draw a picture true enough at least to be recognized everywhere, which would not be very gratifying to them. But this is not my purpose at present. My object is self-defence. Yet I cannot admit the right of these gentlemen to draw me into public discussion of my own defects of temperament or constitutional character; nor do I in this particular admit the jurisdiction of David M. Camp and Company. If such an inquisition is to be sanctioned, and to serve as a precedent for the future, some other candidates for public office may hereafter enjoy the privilege of inquiring at its bar. But my personal character is before the public, where it has been for thirty years past, and of its defects they must judge. It is a case which I shall not argue in person. Nor shall I apply to the females with whom I have been associated at Washington for certificates of my good conduct in the domestic and social circle. Much less shall I degrade myself, the Senate, and the country, by appealing to their humane certificates that I was not habitually drunk in the Senate Chamber. If my enemies choose to forage in the domestic circle for such material, they are welcome to all they can glean.

Much in the same way shall I dispose of the charge of intemperance. So far as this stale charge, so perseveringly persisted in, is concerned, I shall content myself with the evidence already before the public, and shall leave it where the investigations of this redoubtable committee left it.

Mr. Slade labors hard upon this point, and after charging it upon me during the whole four years he was with me at Washington, adds, "This was more apparent, I think, during the long session of the 27th Congress, than it had been at any previous time." Now, it so happens that this was the session when Gov. Crafts was associated with me, and although I shall not ask certificates of honorable members, or anybody else, yet I may avail myself of his testimony as given before the convention at Montpelier before hundreds of the people of this State. He says in his communication to the committee, "While I was at Washington, *I never saw Judge Phelps drink but one solitary glass of wine, and no distilled spirit at all. I never saw him when I supposed he had been using any, nor do I believe he was in the habit of using it privately during the time I was at Washington.*" Such is the testimony of my colleague, who was in habits of daily intercourse with me. He stated the same thing to the convention.

But there are other reasons why I need not dwell upon this charge. It is not only a stale one, but has been repeatedly passed upon by the people of the State. In 1831, when I was

first elected to the Bench, the charge was urged;—it was repeated (and by some who have already gone to the grave, the victims of intemperance) for years afterwards, during which I was honored by seven successive elections to that Bench;—for the seven years while I occupied that seat, I was exposed, under circumstances of high and trying responsibility, to the observation of the people of the State at large. At the end of that period I was transferred, notwithstanding the same thing was urged, to the Senate of the United States, and after five years of service there, was re-elected to the same post in defiance of the testimony of Mr. Slade and his coadjutors. With these nine successive verdicts, running through a period of thirteen years, I am satisfied; and I do not deem it necessary to present to the people of the State any new evidence on the subject.

There is however one point of view in which this is a fair topic for discussion, and in this aspect I am ready to meet it. If my habits are such as to disqualify me in any degree for the faithful, and effective discharge of my duties, it is an objection not truly proper for public discussion but one not to be overlooked. I will take the 2d session of the 27th Congress when Mr. Slade says the thing was more apparent, and when he says I boarded, at "*Brown's tavern*" for a specimen. I went to Brown's I think some time in Jan. 1842,—remained there till the 13th of May when I left for home,—stayed there a very few days after my return, and moved upon the Hill on the 18th of June where I remained to the close of the session on the 31st of Aug. It is well understood that the busy season does not commence until after New Year's. On the 10th of January I was appointed Chairman of the Committee on on Revolutionary Claims at that time a very laborious committee, and was at the same time a member of the Committee on Claims,—of the Committee on Indian Affairs, and Chairman of the Committee on the Militia;—and upon the resignation of Mr. Prentiss that spring, was placed on the Committee on Pensions; thus being upon five committees and chairman of two,—four of which are esteemed laborious committees. From the 3d day of Jany. to the 22d of March inclusive, I presented to the senate 52 reports upon subjects before various committees. Five mornings in the week was I under the necessity of attending the session of the committees, and the whole labor of investigating the cases and preparing the reports was thus thrown upon the evening. The course of business in these committees is this: The cases are parcelled out among the members; each takes the case home and examines it at his leisure,—after doing so, he states his views to the committee. If they agree with him, he then makes out his report. This report must not only state the facts but give the views and reasons of the committee, in such a manner that any senator may form his opinion from the report alone. These reports with the investigations cost me upon an average more labor than the investigation and drawing up the opinion in the same number of cases in the Supreme Court. In short I have never while on the Bench performed the same amount of labor in the same period. The above mentioned reports occupy a space of about 200 pages in the printed documents, and will show for themselves whether they were written by a man intoxicated. This is the period spoken of by Mr. Mangum President of the senate in his letter hereto subjoined [No. 22.] At the same session the subject of the claims growing out of the Choctaw treaty and also allied to by Mr. Mangum came up and the responsibility of protecting the treasury against claims to the amount of some millions rested chiefly upon me as one of the committee of Indian Affairs. This subject was under debate for weeks, the great amount depending rendering the claimants and their friends extremely pertinacious. Before I left the city in May the business of the committee of which I was chairman was disposed of and very little left before any committee of which I was a member, unless it was the Committee on Pensions. In the course of the session I made about 80 reports in all, filling over 200 pages of the printed documents, in addition to my ordinary duties of attending the senate. For the truth of these assertions I appeal to the testimony of the President of the senate and the printed Journal and documents of that body. On the 18th of June I left Brown's Hotel and went upon the Hill. Mr. Slade has the disingenuousness to say that *he understood* that I "*was persuaded* to remove from Brown's tavern." "Gov. Crafts told me he had advised Mr. Phelps to leave Brown's!! It is not unusual for members to board at the Hotels. During the last session from 35 to 40 members of both Houses boarded at the several Hotels, and a large mess of which Mr. Woodbury was one at Brown's. The insinuation of Mr. Slade can not be misunderstood. In part he shelters himself under the usual subterfuge of "*I understood*" but in giving Gov. Crafts as authority he is as unfortunate as in other instances. Gov. Crafts being questioned on this point says, as I have it in his own hand writing before me, "It was not that I saw anything to create a suspicion that (you) frequented the bar, for I saw nothing" &c. Indeed if the reader will turn to

Gov. Craft's letter he will find that he clears me boldly and decisively from such an imputation.

I will not stop to comment upon the unparalelled meanness of such insinuations but will proceed to other statements equally ungenerous and equally false.

"For *several weeks* (says Mr. Slade) during that session, he (Mr. P.) *was confined* to his lodgings under the care of Doct. Sewall, with whom I was intimately acquainted, and of whom I occasionally made enquiries as to Mr. Phelps condition, and *from whom as well as from others I understood* that his ill-health was the effect of excessive drinking." "He was during his confinement at a private house a little east of the Capitol, *to which I understood* he had been *persuaded* to remove from Brown's tavern." Now it so happens that the Journals of the Senate and the Register of debates in the Globe show me in my place in the Senate every day from the 18th day of June when I went upon the Hill to the 31st of Aug. the day of the adjournment inclusive with the following exceptions viz: the 27th and 28th of June. The death of Mr. Southard was announced on the 27th and his funeral was on the 28th. The senate did no business and of course the Journal shews nothing. I well remember being present. The 7th of July when I was probably absent. The 15th, 16th, 18th and 19th of July when I admit I was confined by sickness.

The 19th of August when the Ayes and Noes were not called and the Journal shews nothing. It is worthy of note that there are but three members who can show themselves present by the Journal of that day to wit, Messrs. Bagby, Bates and Evans who severally made motions.

And the 22d day of August where the Journal shows nothing satisfactory. The ayes and noes were called twice that day, once upon a squabble about a light house at the mouth of the Mississippi, and once upon a private claim; two questions of so little interest to me that I might not have voted although present. But to shew that I was not alone in my transgression if absent I will state that the highest number of votes given that day was 32, and the lowest 31—out of 52 members. On the 7th of July the highest vote was 42, and the lowest 32.

The result is, that I am able to show by documentary proof, that I was present in the senate *every day during the whole period*, when business was transacted, except the 4 days when sick and 3 others when it is uncertain whether I was present or not. The three days, being at several periods, could not have been a portion of the sickness. What apology can be made for such statements! Here are four *days* magnified by the Governor's zeal and imagination into *several weeks!* The public will judge from this specimen of the elasticity of the Governor's memory how much allowance is to be made for his general charges of impropriety of demeanor, which are either two indefinite to admit of a formal issue, or relate to private and confidential domestic intercourse, where delicacy and self-respect forbid that I should follow him for proof.

One more falsehood exposed, and I have done on this point. The reader will recollect the information from Dr. Sewall, as to the cause of my sickness. I have before me a note from Dr. Sewall, in his own hand-writing, delivered to me by himself, in which he denies having given occasion or authority for any such statement.

Here I leave Governor Slade. Comment is unnecessary. The facts and the proof speak for themselves. The public must judge of the truth of his charges, and the *sincerity* of his declaration that, "it is *exceedingly unpleasant* to state such facts with regard to anybody; yet neither my *respect for you* (the committee) nor my *sense* of *duty* permit me to refuse an answer to your inquiries."

In addition to the statements of Mr. Slade and Mr. Hall, there was addressed to the committee a voluntary communication from Hon. Ezra Meech, and another from Charles Adams, Esq. These four written statements were all the evidence before the committee which contained anything, so far as I am informed, to my prejudice. A letter was indeed received by them from the Hon. George P. Marsh, in answer to a communication addressed to him by them; but as this letter was not received until after the election, and was never, to my knowledge, made public, it is not necessary for me to notice it. Justice however to Mr. Marsh, as well as myself, requires that I should state (having a copy of the letter in my possession) that he (Mr. Marsh) professes to know nothing disparaging to my course, either public or private. He had heard unfavorable reports, but does not state what they were; and refers to some of the gentlemen to whom the committee had addressed similar letters of inquiry, as his informants, and very properly leaves these gentlemen to speak for themselves.

Having commented upon the statements of Mr. Slade and Mr. Hall, it only remains to advert to the only remaining evidence, that of Judge Meach and Mr. Adams.

Judge Meech having retired from public life, I am not desirous either to drag him from that retirement, or disturb his repose in it. But having volunteered very unnecessarily and very improperly in this matter, he has obtruded himself upon my attention, and must pardon me if I bestow a few words upon him in self-defence. Further than that I do not desire to go. I have ever, certainly, down to the transactions of 1841, entertained towards Judge Meech no other sentiment than that of respect and kindness. He has many good qualities; but that he is imperfect like the rest of us, I have long known. It is perhaps his misfortune rather than his fault, that he lacks that sagacity and shrewdness which would have saved him in more than one instance from being made the dupe of artful and designing men, and from more than one awkward predicament. It is to this mental defect that I attribute his unstable and inconsistent political course,—suffering himself to be buffeted back and forth like a shuttle-cock between the two parties, by political jugglers, who have seen fit to present him to the public at one time as the *Jackson candidate for Governor*, and at another as *Chairman of a public meeting*, got up in favor of the *United States Bank*. It would be perhaps excessive to apply the epithet 'dough-facedness' to this susceptibility to the influence of others; but it is to this quality that I attribute his course toward me, and in this way I account for the fact that he has suffered himself to be made a cat's-paw for a certain unprincipled faction (or rather clique) in Burlington, and to be placed in a position of which I have no doubt he is by this time heartily ashamed. He has been induced, by a set of malignant intriguers, to put his signature to a letter which, in my opinion, he never wrote; and to express in it an opinion, which, if he entertained it at all, is entertained at their dictation. He has been led by them into a breach of that confidence which should always subsist between honorable men; and should the example be followed by those with whom he, in the course of his public life has associated, he might perhaps be placed in no very enviable position.

He came to Washington early in 1841, ostensibly as bearer of the presidential votes of this State; but he was also charged with the interests of a candidate for the office of Collector at Burlington. Soon after his arrival, he disclosed to me his business, and I entered very cordially into his views in relation to the collectorship, in which I had the concurrence of the very estimable man who was then my colleague, Mr. Meach spent the residue of the session at Washington; and after the adjournment, we returned to Vermont together. During his sojourn there, I was always at his service, as I took a pleasure in furthering his views. He was often in my room, and, as might be expected, there was a free, unrestrained, and in many respects confidential intercourse between us. It is not strange if, during that period, much idle conversation occurred, and much was said which was not expected to be either repeated or remembered. Nor is it to be wondered at, considering our comparative age, and my confidence in his friendship, if I should disclose to him matters which deeply affected my own feelings. Those who have tried public life, know well that it has its trials; and he must be a novice who imagines that a seat in the United States Senate has no thorns about it. I had even then, as well as since, encountered many things calculated to disturb my sensibilities. I need not disclose what they were. The people of Vermont have only to consult their own recollection of political events in this State, and my connexion with them, to know, that if I possess the ordinary sensibilities of our nature, they have been severely tried. That I should have unbosomed myself to Judge Meech, was not strange; and if I spoke of injuries, or supposed injuries, with deep feeling and with warmth, it will not surprize those who are acquainted with my constitutional temperament. Doubtless much was said that would not bear repetition upon the house-tops, and much perhaps of a personal character, which if disclosed, was calculated to give offence. But I supposed I was communing with a friend who would not betray my confidence. Nothing was farther from my suspicions than that I was furnishing material to a secret enemy to be proclaimed from the house-tops, or spread before the representatives of the people of Vermont, for the purpose of degrading me in their estimation. That Judge Meech then entertained such a purpose, I cannot believe. His sense of propriety and of honor,—his self-respect, would have shrunk from it. Yet his pliancy and want of moral courage, has led him to submit to the task of drawing upon his recollection for a colored and garbled representation of the occurrences of that period, in order to minister to the malignity of a few individuals who, from the basest motives and for the gratification of the vilest passions, had undertaken the work of my destruction.

Judge Meech and myself returned from Washington in the spring of 1841. From that time forward until the session of the legislature in 1841, I had no reason to suppose that any other than a friendly feeling subsisted between. I have the best authority for saying, *that from* 1841, *down to the summer of* 1844, *he uniformly advocated my re-election to the*

Senate, and did so in repeated instances during that summer. This I think he will not deny. The reader will then judge of my surprize to find him at Montpelier in the hands of a cabal, as a volunteer witness in support of charges calculated and designed to disgrace me forever.

The convention at first refused to hear his testimony, on the ground that he was a volunteer—not called upon by the committee. His letter was afterwards read. This letter, which was never written *by* him, but *for* him, as I think is apparent on the face of it, after stating that he was much in my company, proceeds as follows:

"I regret to say, that during the time that I was there, the conduct of Judge Phelps was "marked by great impropriety, and occasioned great uneasiness in my mind."

Here is a sweeping charge, and its generality leads us involuntarily to inquire for particulars. The first specification follows: "He was much out of his place in the Senate, insomuch that members of that body and of the House frequently said to me, that I must *take care of him.*"

Now, as to the first branch of this specification, I have to say, that there have been very few members of that body, during the last six years, more constant in their attendance, more attentive to the particular duties thrown upon them, or more prompt in dispatching the ordinary business than myself; and for the truth of this statement I appeal to the members of that body at large. I have already given a view of my labors at the succeeding session, in answer to the statement of Mr. Slade.

But I desire to put this matter on a broader footing. During the whole six years of my first senatorial term, I was under ths observation of members of the House from my own State, who were decidedly hostile to me. No less than three of them have been candidates for my place; and three of them, in letters addressed to this extraordinary committee, have furnished recorded evidence of a disposition which is anything but friendly. At the last session of the legislature, an attack was made upon me, which, for acrimony, transcended everything heretofore witnessed in our State. My public and private life were ransacked for material for censure; and yet I have still to learn in what instance, on what occasion, and in what respect I have fallen short of a full and faithful discharge of my duty as a public servant. How and when have my constituency suffered through my delinquency? Who has suffered by it? Mr. Slade and Mr. Hall were watching me for four years, with no friendly eye; and during the very session of which Judge Meech speaks. They have been called upon for proof of any neglect of duty,—they have contented themselves with the story about the tariff and distribution bills, both or which I supported; but not one word of neglect of duty in the session of 1840–41. Now, if my delinquency was such as to call for the interference of members of the Senate and House, and appeals to Mr. Meech on the subject, how happens it that those two *faithful guardians* of the interests of the State, *in this particular*, were not acquainted with it? The charge is too vague—too general. Let Mr. Meech specify the occasion when my absence can be regarded as a breach of duty, and I will endeavor to meet the charge.

But that any member of the Senate or of the House out of Vermont ever appealed to Mr. Meech to "take care of me," as he states, I cannot believe. I am too well acquainted with the sense of decorum which prevails there, and with the views entertained of such officious interference on the part of one Senator with the duties and responsibilities of another, to give credence to such a story.

But he proceeds, "*In his conversation with me* he was quite often *fretting*, *scolding* and "*finding fault* with the senate, that the senate paid no attention to him, and in a vulgar way "saying that they turned their back upon him, and frequently threatened to resign and go "home, and on one occasion stated that he had his resignation written and in his pocket and "I took great pains as a personal friend to appease him and calm his turbulance."

Now if Judge Meach had set out to make himself supremely rediculous he could have taken no more effectual course to effect his object than to inflict upon the public mind such a piece of twaddle.

The reader can not fail to perceive that all this is but an attempt to make something out of my free and confidential conversation with him, for he limits his statement in terms to such conversation. The reader will also bear in mind that the discription is in the Judge's own language, and that the terms *fretting*, *scolding*, &c., are rather indefinite in their import, and may be applied to any expression of dissatisfaction if made with warmth. Men will have different ways of describing the same thing, and if the Judge choses to employ terms which he probably picked up in his own Kitchen he is at liberty to do so. But suppose he had said that Mr. Phelps was often out of humor, and expressed his dissatisfaction with warmth and sometimes harshly—and once intimated his purpose to resign, would

he not have expressed the same thing in substance? Is the charge any graver for being expressed in the language of a scullion? Is there not, on the face of this paragraph, an obvious effort to give a coloring and produce an effect by the selection of such language? And will not the Judge himself see, if he will read his own statement again, that he has resorted to a most puerile and vulgar device to do me an injury? But it is not on this ground alone that I choose to commend the matter to his deliberate consideration. Does his sense of propriety approve of the gross violation of confidence, and of one of the first rules of gentlemanly demeanor involved in his conduct? While he was daily commanding my aid and assistance there, as the representative of his State, and of course was admitted freely to my lodgings, and admitted too as a personal friend, did it behoove him to pick up my expressions of dissatisfaction, or, if you please, ill-temper, to be paraded before the public to my prejudice? And should he ever visit Washington again upon a like errand, does he imagine that such a course will commend him to respect or favor of members?

But to proceed: "I have further to say, that during all the time, he was often greatly excited by the free use of liquor, and I considered that to this cause is to be attributed his "*strange fits of spleen* and *ungovernable conduct*."

Here we have a touch of the old story about intemperance, about which I have now only to say, that my life for the last fifteen years has not been spent 'under a bushel,' and that there are at this day very few men who are more exposed to the general observation of the people of the State, than myself; and every man who has the opportunity of observing me, must, on this point, judge for himself. But what is meant by "*fits of spleen and ungovernable conduct*"? Is there any peculiar virtue in these terms, which are evidently used without much meaning, but which may mean anything which the reader's imagination may suggest? If he means periods of deep depression of spirits, I plead guilty to the charge. I have been subject to them from my childhood—the propensity is hereditary, and may be traced through many generations. If such be his meaning, I ask him, does he consider it the office of "personal friendship" to give such a coloring to a constitutional misfortune? If he does, I have only to say that I think he mistakes that office. But what "ungovernable conduct" have I been guilty of? The term seems to imply more than has been expressed; for certainly there is nothing in his statement to which it can apply.

The above is all which Mr. Meach has to *state*. But he comes to a very grave conclusion in these terms: "I thought then, and still think, that his conduct was very far from right, "and that he was an unsafe depository of public power, an unsafe public agent, and that it "is dangerous to entrust to such hands the great interests of the State of Vermont."

The letter winds up with the usual cant about "personal friendship" to Mr. Phelps, and a "*high sense*" of duty to the public.

Reader, I have given you the whole wisdom of Ezra Meach on this subject,—his whole letter except the introductory part, which is not important. I have but one answer to this sage conclusion. The expression, "*I thought then, and still think*," must have been a flourish of the draftsman of the letter, and must have been overlooked by the Judge when he signed it. The Judge came to no such conclusion at that time; but, on the contrary, unless he has been most egregiously misrepresented, he has uniformly advocated my re-election until within a very few weeks of the last session of the legislature. What he observed at Washington produced no such conviction for more than three years, nor until he lent himself to the conspiracy which was so fully developed at Montpelier. Then, indeed, his eyes were opened. Then his high sense of duty began to operate. His conscience slept until the conspiracy was ripe. During the whole canvass of 1841, while the senatorial election next to that of President was the most important, not a word is heard of Judge Meach's observations at Washington; but when the time arrived for final action—when I was to be disposed of, as was confidently predicted, so suddenly that I "should not know what hurt me"—then his "sense of duty" compelled him to make the statement. I know well the influence which made him its dupe. I need not point it out. Nobody acquainted with the intrigues in his neighborhood, will be at a loss to identify it. I regret his weakness in yielding to it, both on his account and my own; for it has placed me in a position in relation to him, which I did not desire. In taking leave of him, he will permit me, though a much younger man than himself, to caution him against such influences for the future, and to recommend to him to be wary hereafter in what hands he places his conscience or his reputation.

As to Charles Adams, I approach him with a very different feeling,—with the same feeling that I would undertake the dissection of a dead carcass, already becoming too stale for the operation. I have seen many instances of moral delinquency in my day; but rarely, if ever, have I encountered such a specimen of hypocrisy, duplicity, and heartless treachery, or of

shameless disregard of truth. This fellow came to Washington in the winter of 1844, for what purpose the public must judge. Nobody there, I believe, knew his business, or who bore his expenses. Subsequent events led me to suspect that he came as a spy, hired to scrape the common sewers of scandal for the material which might suit the purpose of his employers, or to manufacture it, if enough could not be found there. He has proved himself worthy of the employment. On his arrival, he stopped at a hotel. Being disposed to extend to him every civility as a citizen of Vermont, and not being then aware of his utter unworthiness to be regarded or treated as a gentleman, I invited him, with the concurrence of the mistress of the house, to take up his residence with our mess. I was not then aware that I was nourishing a viper, although I was then warned by a gentleman, who it seems knew him better than I did, that he was a treacherous scoundrel, and that if I confided in him, he would betray me. He stayed with us a few days, and left the city in a huff, or, as one of our delegation then expressed it, "mad with all the world." Upon his return to this State, he began to traduce me, (and indeed I believe he spared none of the delegation,) *whenever* he thought his slanders would be effectual; but in other places, and on other occasions, holding language directly the reverse,—thus carrying out a system of duplicity designed to put me and my friends off our guard, and to give more point and effect to his malignity.

He began immediately, upon his entrance into the State, at Castleton, where he caught a Tartar by pouring his scandal into the ears of one of my most decided personal friends. He proceeded to Vergennes, where he met another, and there saw fit to change his tone. He there spoke in the most flattering terms of my appearance and conduct at Washington, without a word of disapprobation. Upon his arrival at home, he sat down and wrote me a letter more highly charged with flattery and professions of personal regard than any which I had ever received. This letter will be hereafter presented. During the succeeding summer (in August, 1844,) he had a private conversation at Burlington with a gentleman from Addison county, in which, although he stated that I had been *imprudent* at Washington, he advocated my re-election in the most decided terms, and declared his purpose to use his best exertions to secure it. In the course of sixty days he was found at Montpelier under the auspices of a clique, a volunteer witness, committing to paper a scandalous libel, in which he represents me as degrading myself and disgracing the State at Washington,—talks of a *mind rendered powerliss* by an *incontrolliable habit of drinking;* and yet, before he left Washington, very gravely proposed, in order to help along a political juggle, to make me Chief Justice of the Supreme Court! This last somerset disposed of what [illegible] he had left. The duplicity, heartless insincerity, and shameless absurdity exhibited in his course there, rendered him at once a bye-word and a laughing-stock among honorable men, while the malignity of his letter to the "committee," falsified as that letter was by his own proposition to make me Chief Justice, made him a moral stench in their nostrils.

But what is his statement? He starts with saying, that soon after his arrival, he was invited to remove to Mrs. Buck's, "where, among others, the Hon. S. S. Phelps "boarded. *I was told* that he had been sick some two or three weeks, and was *given* "*to understand* that his sickness was occasioned by the free use of liquor, and that the "presence of a *a friend* from Vermont might be of service to him; and having *always* "*felt a warm friendship for Mr. Phelps, and with the sole view of benefitting him,* I took "up my lodgings at Mrs. Buck's."

Here I have the rewards of my politeness, and the verification of my friend's prediction at the time. He went there under my friendly invitation, and this is the account he gives of the matter. The first exercise of his "*warm friendship*" for me is to spread before the legislature and the State a scandalous story of the truth of which he can know nothing,—a piece of hearsay from whom derived, he does not say,—and which he, as a lawyer, knew was not proper evidence. He is the more inexcusable as he had always professed to regard such stories with contempt, and was well aware that both Mr. Upham and Mr. Foot, who had boarded with me at that period, were at Montpelier, and had both been called upon for their knowledge of the facts. He knew nothing of them, as he says that "Mr. Phelps had then recovered, and I had the pleasure of seeing him in his seat." As a gentleman, he was bound to leave that matter to them. But his "*warm friendship*" for me impelled him to add his mite to the general contribution of scandal picked up anywhere and everywhere, as if such reports constituted proof, and as if it was my duty to look up evidence to disprove idle rumor traced to no particular source, and for which nobody is responsible. But probably this was his peculiar business at Washington.

He proceeds, "soon after my arrival Mr. McDuffie made his great speech in opposition to the tariff; and *from subsequent events it* appeared, that Mr. P. expected to reply, but the floor was given to Mr. Evans. Mr P. was in a rage about this, and used very strong language saying '*that he would take no further part in the senate.*'" This, reader, is the first specimen of the fabrication of Charles Adams. It is an egregious falsehood. I was not in a rage, nor did I say I would take no further part in the senate.

But to show the ingenuity of this fellow in manufacturing falsehood, I will state the circumstances from which he derives the story. I did indeed desire to get the floor when Mr. McDuffie took his seat, and supposed that the courtesy of my friends would give it to me; Mr. Evans rose suddenly and unexpectedly to me and addressed the chair first,—and of course took the floor. I at that time thought it a departure from the etiquette of the senate, and made some remark about it. Mr Evans immediately came to me and explained to me that he thought the floor belonged to him as Chairman of the Committee of Finance, to which opinion I yielded. He further assured me that if I desired to speak he would consult my convenience by having the bill lie or calling it on as I might desire,—an assurance which he very scrupulously carried out. Now for the "subsequent events" Mr. Adams importuned me repeatedly to speak on that subject. I at first declined, urging several reasons why I was averse to it, viz, that the subject was a stale one in itself,—had been even then debated at length, and it was irksome to enter into a debate after the senate had become weary of it, and that I did not think Senators were desirous of hearing me or would listen to me, and I mentioned that I had once designed to speak but the floor had been taken from me. From this Mr A. took his cue, and fabricated the story. He however continued his importunities until I yielded and promised to speak, which I did. It is a little surprising that he should have possessed the impudence to coin such a falsehood when he saw me daily in the senate, probably every day, while he was there, attending to my duties.

His next falsehood is more far-fetched still: "and I was then told that he neglected to meet with the committee of which he was a member, and that Governor Morehead called on him and endeavored to persuade him to return and discharge his duty." Now all this is but a gross perversion of an incident which occured in 1841, and which I related to him myself. In consequence of my not attending the Committee on Indian Affairs of which Gov. M. was chairman, he imbibed the suspicion that the reason was that I had taken a personal offence towards him He very frankly stated his suspicions to me, and I as frankly disclaimed any such reason; and to convince him of his error was very prompt in my attendance on the committee afterwards, so long as he was chairman. I related this occurrence to Mr. A., and could tell, if necessary the course of conversation which led to it. Yet this "warm friend" makes use of it as he does. He got no such story from any body else. Gov. Morehead never mentioned such a matter to me that session, nor can Mr. A. designate the man who told him any such thing.

Having fabricated two falsehoods he next resorts to hearsay again. "I had frequent conversations with the family (Does he include the black servants in the family?) and with members, and they all concurred in representing that the conduct of Mr. P. was strange, irregular, and ungentlemanly, and all attributed it to the excessive use of liquor." Here is another instance of throwing responsibility upon some unknown shoulders. Who does he mean by the family?—and by members? If I am to meet such accusations let me know from whom they proceed. If he includes Mr. Upham and Mr. Foote in the family, I have only to say that both those gentlemen were before the conventio at Montpelier, made these statements, and, if I am correctly informed, stated no such thing, but the reverse. If he had any conversation with them he probably perverted it as he did mine.

"At many times while I was there he appeared to be greatly excited and as I believe wholly by the use of liquor, and to such a degree *as to render him unfit for the discharge* of any public trust." And yet this is the man whom he proposed to make Chief Justice of the Supreme Court! But more of this anon.

"His language in the family and in the hearing of ladies was gross and unbecoming a gentleman, and while at table seemed to produce great restraint." Now I am not aware that during my whole service at Washington, I have ever given offence in this way or in any other to any lady with whom I may have boarded. I can call to mind no instance in which they have manifested toward me any other feeling than that of kindness and respect. This is enough for me. I can not undertake to look them up for the gratification of Charles Adams, nor to get their certificates of good conduct. Probably it would do no good, as their sensibilities are perhaps less keen on this subject than those of Mr. A. I ought perhaps to have selected, while in his presence, upon the extreme delicacy of his sense of propriety in regard to "*ladies*." I have no doubt that his notions on this subject are extremely nice, and that to this circumstance we are to attribute the peculiarly happy condition of his own domestic relations.

He then goes on to state that "Mr. Foot denounced the conduct of Mr. Phelps in the most emphatic manner." How far Mr. Foot will feel indebted to him for this disclosure, if there be any truth in the statement, is not for me to say. I leave that matter to be settled by themselves. But it would have been as well for Mr. A. to have left Mr. Foot to do his own denunciation. Mr. F. was before the whig convention which nominated me for the senate in 1844, and as I am informed advocated my nomination and election. A more striking illustration of the absurdity and folly of picking up such gossip for such an occasion can not be had, than to see Charles Adams bottling up Mr. Foot's denunciations for use at Montpelier and Mr. F. in person at Montpelier to vindicate me from his aspersions.

"I was greatly chagrined and mortified at Mr. P's. apparent neglect of duty," (what duty did I neglect?) "and with the grossness of his language; and had no doubt then and have "no doubt now that the whole was owing to the immoderate use of strong drink. In con- "sequence of the feeling thus produced, I hastened away from Washington sooner than I "had otherwise intended." Poor soul! He is *mortified* and *chagrined!* And at what? my *neglect of duty.* I know of nothing of interest which was on the tapis while he was at Washington except the tariff bill.

If the reader would know whether I lacked the disposition to discharge my duty in regard to that measure he may consult the testimony of its friends in the senate which is appended hereto. If I fell short of doing justice to that subject, or as full justice as Charles Adams or Mr. Slade would have done, I hope he will attribute it to want of ability, which is a misfortune and not a fault. The speech which I made at the instigation of Mr. A. was long enough in all conscience. It occupied two days in the delivery. How it was received by the senate can be judged of by the testimonials just referred to,—and how it was received by the country it behooves not me to say. But poor Charles Adams is mortified!

He is mortified too that the representative of his State uses "gross language," in short is "no gentleman," and he owes it as a duty to the State to rouse them to a due sense of their dignity. They should not be disgraced there by a senator who does not pass for a gentleman. The good people of this State may however console themselves with the reflection, that possibly every body at Washington has not found out that the senator from Vermont is "no gentleman." About the last time that I received an invitation to go out at the last session, was to attend a private dinner party. It consisted of Mr. Webster, Mr. Crittenden, Mr. Evans of the senate, Mr. Packenham, the British Minister, his Secretary and myself. I hope these men were not "mortified." If they were they had the kindness not to let me see it. And I hope Charley will not tell them that they have been in bad company. Perhaps also the senate have not made the discovery. I hope the "*Committee*" will not send the result of their enquiries there, for the authority of D. M. Camp, Elder Sabine, and Justin Morgan might go a great ways there.

At the very last session of that body I was placed upon the Committee of Finance, altogether the most important committee in the senate; and placed there, in conjunction with Mr. Evans as the representative of the great tariff interest of the country, the free trade interest being represented by Mr. Woodbury, Mr. McDuffie, and Mr. Benton. I was also placed upon the Committee on Military Affairs and on that on Indian Affairs, two very important committees, especially at the present crisis. I believe it is the first time that Vermont was honored with a member of the Committee of Finance—yet poor Charley Adams is mortified! He should be doubly mortified at the degeneracy of the times when he finds this poor drunken devil, with whom strong drink plays these mad pranks, placed in such responsible stations.

But hear Charley through, "I make this statement in no hostility to Mr. Phelps" (oh no it is all warm friendship") "I have always admired him as a man of high order of "talent, a clear headed and sound jurist, and one of the best Judges in the State;— "(ahem)—*but it pains me to see such talents prostrated, and such a mind made powerless "for good, by an uncontrollable habit of drinking;* and it is only from the conviction that "I owe the State a duty that I am willing to say a word about it."

I am much indebted to him for his encomium—it doubtless comes warm from the heart; but its utter hypocrisy is disclosed by what follows:—

This is however the fourth time that the subject of *strong drink* is introduced in this short letter; as if the charge was more likely to be true, or be more likely to be believed because it is so often repeated.

That he did not believe it himself is apparent unless he has lied and played the hypocrite elsewhere. Did he believe this story when he held the conversation with General Nash at Vergennes on his return from Washington, in which he attempted t

describe my appearance and course there, and in which, to use the language of that gentleman, he said all that my friends might desire, or as he afterwards expressed it, his remarks were most favorable to my reputation! Did he believe it when he told Mr. Fletcher in Burlington in August 1811, that I must be re-elected,—that I was the strongest man we could send from the State, and that he should use his influence for my re-election! Where was his sense of "duty to the State" while he was using this language! Did he believe the vile story when he proposed, while the senatorial election was still pending, to make me Chief Justice! Did he wish to place these "*talents prostrated*" and that "mind rendered powerless for good by an uncontrolable habit of drinking" at the head of the judiciary of the State! In short did he deem it "a duty to the State" to place an habitual drunkard on its bench!

The reader will judge from this exhibition of the sincerity of this man and the credit to be given to his statements.

But I cannot dismiss him without giving one more specimen of his "warm friendship" for me, and of his pretensions to the character of a gentleman. I have stated that immediately upon his return from Washington he wrote me a letter. It is too precious a morsel to be lost.

It commences with some remarks in regard to the vacancy then subsisting on the bench of the Supreme court of the United States,—discusses some political topics and proceeds as follows:—

"The *high regard* I entertain for you, leads me to suggest one other thing of a personal "nature, and I hope it will be received in the same *friendly feeling* in which it is offered. "From your nature I know that you are subject to *occasional depression of spirits*, and this "of course, *by making you melancholy*, in a measure unfits you for business. I observed "something of this when with you, and I went to your room the day I left to chat about it, "but you were out. You probably have some reason to complain of the cast of committees "in the Senate, and of some apparent harshness. But what of that? No man ever gained "anything of reputation or peace of mind, or power of doing good by submitting to this "cursed melancholy. Knowing your powers of mind I know you can rise above it, and *can "live down all the slights and oppositions that envy or rivalry can inflict upon you*. You don't "want me to tell you that your fame, your power as a public man, depend on the course you "now take. It is now the tide of your fortune. My anxiety for the State of Vermont, *and "for you as one of its brightest ornaments*, impels me to make an appeal to you personally, "that you shake off the poor spirit of melancholy, and put forth all your energies in the dis-"charge of your public duties. You are now on the most elevated position in the nation, "and you have the power of sustaining yourself there. For God's sake don't, by giving way "to personal feelings cast yourself down. I am, &c., CHARLES ADAMS.

Such is the language addressed to me by this man after his return from Washington in 1811. Let the reader compare it with the letter upon which I have commented—what he says to me with what he says of me, and if he can find a stronger instance of heartless duplicity and shameless mendacity, let it be recorded as giving immortality to the man who in these qualities transcends Charles Adams. Some charitable persons have endeavored to excuse him by the suggestion that he is partially insane; thus exhonorating his heart at the expense of his understanding. That there is derangement somewhere is not to be doubted. Whatever may be the state of his intellect, there is an evident derangement of his moral perceptions. At all events he has shown himself entitled to no credit, whatever may be his statements. This is sufficient for my purpose and here I leave him.

I have now finished my examination of these precious documents. I have but one or two general remarks to make. One is, that these letters bear decisive intrinsic evidence of the temper in which they were written. There is an obvious effort to give the highest and worst coloring to every thing which might operate to my prejudice, while not a redeeming feature is admitted in the whole picture. The other is, that there is exhibited a wonderful avidity for reports,—hearsay, &c., which are pressed into the service of the writers, as if it were not enough for a witness to state what he knows;—and this more perhaps than anything else discovers the cloven foot, for, in any court of justice,—a witness who discovered an anxiety to add to his testimony from such a source would be set down at once as undeserving of credit.

I now submit the whole matter to the judgment of my fellow citizens. With their decision I shall be satisfied. SAMUEL S. PHELPS.

APPENDIX.

CIRCULAR

Addressed to the members of the Senate by Mr. PHELPS, to which the communications from them are responsive.

CITY OF WASHINGTON, Dec. 19, 1844.

GENTLEMEN,—

A representation has gone abroad among my constituency, under circumstances which require of me to notice it, that on the 27th day of August, 1842, the occasion of passing the tariff bill, (now the existing law,) I, having "taken offence at some supposed slight or neglect," (on the part of my associates in the Senate,) not only "used opprobrious language in regard to them," but "declared, with oaths, that I would not vote on the bill"—i. e. the tariff bill,—that "several Senators had made ineffectual efforts," during the day, "to soothe me,"—that when the question on the bill was put, I was closeted in an ante-room of the senate with a Senator "who was endeavoring to persuade me to vote,"—and that at last, after being sent for, I came into the Senate while the Clerk was calling the yeas and nays—declined to vote when my name was called in its order—and after the roll was called through, refusing to vote until my name had been called twice, and finally voting with apparent reluctance, which vote saved the bill by a majority of one;—and that during the day, I acted strangely, swearing that I would not vote upon the bill.

Will you do me the favor to state your recollection on the subject, and inform me whether, to your knowledge, I, on that day, or any other, refused to vote, or expressed a purpose either to withhold my vote or to vote against the bill,—whether any persuasions were used by any Senator to induce me to vote,—whether I was absent when the question was put—and, in general, what was my course in regard to that measure,—whether, in short, you discovered in my course any wavering or reluctance to discharge fully, promptly and cheerfully my duty to my constituency, which on that occason was understood on all hands to be to vote for the bill.

Very respectfully, &c., SAMUEL. S. PHELPS.

No. 1.

Hon. George Evans, of Maine.

Washington, December 21, 1844.

Hon. S. S. Phelps,—Dear Sir: I have received your note of 19th instant, in which you repeat certain representations that have been made to your constituency, respecting your course of proceedings at the time the act of August, 1842, revising the tariff of duties on foreign imports, was on its passage in the Senate; and requesting me to state my recollection of the circumstances, to which these representations have reference.

In reply, I very cheerfully state, that I have no recollection or knowledge whatever, that on that day or any other, when the bill was under consideration, you refused to vote upon it, or threatened not to vote, or used any language indicating such intentions, or that any efforts were made or deemed necessary, by any Senator, to soothe your feelings or to persuade you to vote, or that you was absent from the Senate at any time when a vote was likely to be taken. Whether you voted at the first call of your name, or not, or whether you was at that moment in your seat, I cannot say. Nothing is of more common occurrence, as you are well aware, than the temporary absence of Senators from their seats, when a vote is about to be taken, who are still in attendance, and come in in season to be recorded. Of this, no complaint is made; and it is never understood to indicate, in the smallest degree, any want of attention, or tardiness in the performance of duty. As Chairman of the Committee on Finance, by whom the tariff act was reported to the Senate, it was my business to watch its progress and to urge its passage. Some doubt was entertained by many Senators whether it would finally pass. It was my duty, as far as possible, to be well informed in that respect, and to ascertain how many votes could be relied upon in its favor, and to take care that it should not be pressed to a vote in the absence of any of those who were friendly to it. I invariably counted upon your vote in its favor; and never, to my recollection, felt the slightest apprehension in regard to it. If you had been absent from the Senate, especially under circumstances indicating that you did not intend to vote, it is scarcely possible that I should have been ignorant of it; and I am sure that I should not have ventured upon pushing the question to a vote under such a state of things. I knew the vote was to be a close one, and should have run no such hazard as that of taking the final question in the absence of any of those upon whose vote I counted. If anything occurred from which an inference has been drawn by any person, that you did not intend to vote for the bill, or that you voted reluctantly by the persuasion of other Senators, it either was wholly unknown to me at the time, or was of so trifling and unimportant a character as to have entirely escaped my memory, and to which I could not then have attached any consequence.

Very respectfully,
Your obedient servant,

GEORGE EVANS.

No. 2.

Hon. Rufus Choate, of Massachusetts.

Senate Chamber, December 30, 1844.

Hon. Mr. Phelps, *Senator of the United States*—

Dear Sir: I received, a few days since, your letter of the 19th instant, in which you state that a representation has gone abroad, accusing you of having expressed a determination not to vote for the existing tariff, on the day of its passage—of being absent from your seat, with the purpose of avoiding the vote; and of declining, until the second call of your name, to answer, after you had resumed your place; and in which you ask me to communicate my recollection upon the subject. I do so with pleasure; yet I can only say in a word, that I have not the slightest remembrance of remarking, or suspecting, or hearing of any disinclination or indifference on your part, towards the performance of that most important duty. I recollect perfectly, the general occurrences of the day—the discussion—the anxiety as to the issue; and I particularly recollect that, in all the speculations which I heard concerning the probable result, it was assumed as matter of certainty, and of course, that

all the whig Senators from New England would vote for the bill. I never felt a moment's doubt that such would be the case. Certainly I discovered in yourself no indication of unwillingness, fully, promptly and cheerfully to discharge your duty to your constituency and to the country; and I may add, that from what I knew of your settled opinions, and had observed of your habitual course in the Senate, I should have been profoundly astonished to have discovered, on such a day, or at any time, any such unwillingness.

I am very truly,
Your obedient servant, RUFUS CHOATE.

No. 3.

Hon. J. J. Crittenden, of Kentucky.

Washington, February 12, 1845.

My Dear Sir,—I regret that the pressure of other engagements should have so long delayed my answer to your letter of the 19th of December last, which, however, did not reach me till long after its date. I should not have permitted a moment's delay, if I had supposed it would have been of any material consequence to you. This explanation will, I trust, be a sufficient apology for me. In respect to the inquiries contained in your letter, I can only say, that I have no knowledge of any of the circumstances which you inform me have been charged against you, as imputations on your conduct as a Senator, in reference to the tariff bill of 1842. I have no recollection of any declaration or oath, by you, that you would not vote for that bill, nor of your having used on the occasion any opprobrious language in regard to your associates, in the Senate, nor of any persuasions having been necessary, or having been used, to induce you to vote for that bill. Nor have I any recollection of your being absent when the bill was put to the vote, or of your delaying your vote, or manifesting any reluctance or backwardness to give it. If any of these circumstances did occur, they were unobserved by me, or have been totally forgotten. The interests and wishes of your constituents were understood to be in favor of that bill, and you were regarded and confided in by all, I believe, as one of its friends. My recollections, which are no doubt quite imperfect on the subject, will not enable me to speak more positively or particularly.

I have the honor to be,
With respect, &c., yours, &c., J. J. CRITTENDEN.

No. 4.

Hon. William Woodbridge, of Michigan.

I am both surprised and grieved to learn that it has been imputed to the Hon. Mr. Phelps, of the Senate of the United States, that he was hostile to the principles of the Tariff law of 1842. Having been myself, present during the action of the Senate upon that law, I am requested to state my recollections of what occurred on the occasion, and especially, as to whether Mr. Phelps, on the day of the passing of that law, or on any other day, refused to vote in its favor, or expressed a purpose of either withholding his vote, or of voting against it? Whether any persuasions were used by any Senator, to induce him to vote? Whether, he was absent when the question was put? And in general, what was his course in regard to that measure? My recollections, on this subject, are neither minute, nor very distinct, I was myself opposed to that law, except, as a *measure of last resort.* In other words, I greatly preferred the plan of a tariff, prepared and matured in the Senate Committee on Manufactures, commonly called, "Mr. Simmons' Bill." I preferred it because it assumed the "home valuation" as the standard by which to apportion duties in lieu of the "Foreign invoice,"—I preferred it because while it gave equal protection to all the products, and manufactures of our country, (except those of iron, sugar and perhaps coffee,) it at the same time preserved the "Land distribution Law,"—I preferred it for other rea-

sons, not necessary to detail. What may have been Mr. Phelps' preference on this point, I do not know,—my impression is, that he also preferred the plan of Mr. Simmons' Bill." But that any gentleman conversant with the action of the Senate on that interesting matter, and especially with the course pursued by Mr. Phelps, should endeavor to bring into doubt the sincerity and earnestness, with which that eminently talented Senator, sustained the policy of protecting the *home* industry of the country, is to *me* certainly, matter of much surprise. I am induced on the contrary to believe that the prevailing sentiment in the Senate then was, that Mr. Phelps was desirous to carry that policy to an ultra extreme, and especially, so far as regarded what was deemed the great staple of Vermont. I particularly recollect that, at some period during the progress of the Bill through the Senate, a proposition being advanced for varying the duty, by either diminishing or increasing it beyond the standard finally settled in the bill, Mr. Phelps became much excited by the apprehension, that his political associates, or at least some of them, were not disposed to provide in the Bill for *protection enough*, of the staple *article of wool*, and he urged with great fervor, and great *power too*, both *in* the Senate and out of it, the justice, and the necessity of protecting *sufficiently*, that important product of the agriculture of his State; and I should consider it altogether inconsistent, with the whole tenor of his course—to suppose, that Mr. Phelps could have proposed to himself to withhold his vote upon the final passage of that bill, or to have voted against it, unless upon the obnoxious supposition that the Senate should, *refuse all fair*, and *reasonable* protection, of that important product of his State. Certainly, I know of no "persuasions used by any Senator" to induce that gentleman to vote for the bill. As to whether "he were in his place or not and voted upon the final passage of the Bill," the Journals of the Senate happily furnishes testimony far more conclusive than the fallible memory of man. Understanding that the fate of the Bill would probably be determined by a *single vote*—deeply impressed by the consideration of the importance of that vote, and earnestly endeavoring to discover and to pursue the path of duty *for myself* individually, I paid but little attention to the actions of others,—and have no knowledge, as to where, precisely, Mr. Phelps might have been when the final question was taken. The Journal, I think must show. As to the zeal, and ability, and *eminent power* with which Mr. Phelps has uniformerly advocated the policy of protecting the home industry of the country, *no question will be made* by any one who will take the trouble to read his printed argument on that subject.

WM. WOODBRIDGE.

Senate of the United States,
December 30th., 1844.

No. 5.

Hon. J. F. Simmons, of Rhode Island.

Washington, January 9th., 1845.

My Dear Sir:—In answer to your letter addressed to Mr. Huntington and others, requesting that I should state my recollection of your course upon the bill imposing duties upon imports, when before the Senate in August, 1842, I have to say that I have no very distinct recollection of what occurred on the day referred to, as applicable to your self, but believe that if your course had been such as to bring in question your hearty support of that measure, it could not have failed to make an impression which would been retained by me; for not only myself but I believe all the friends of protection in the Senate, at all times relied upon your co-operation, and support as confidently as upon any member of the body.

I am faithfully yours,

J. F. SIMMONS.

Hon. Samuel S. Phelps.

No. 6.

Hon. N. P. Tallmadge, of New York.

Madison, W. T. January 14, 1845.

Dear Sir:—Your letter asking my recollection of your course in the Senate of the U. S. on the Tariff bill of 1842, was duly received and I take the earliest opportunity to reply, and I state without hesitation, that I have no knowledge of your having expressed a purpose either to vote against the bill, or to withhold your vote. I am not aware that you ever doubted or wavered in relation to it. There were some who expressed themselves in consultation against the passage of any bill without the "distribution clause," as it was called. I am unable to say whether you was one of that number. But I am quite sure, we had not a more decided Tariff man in the Senate than yourself, and I am not aware of any indisposition or reluctance on your part to vote for the Bill when it came from the House. In short, I have no recollection of anything in your conduct on that occasion, which tends to implicate your character as a public man, or evince any indisposition on your part, to the faithful discharge of your public duty.

Very Truly Yours, N. P. TALLMADGE.

Hon. S. S. Phelps.

No. 7.

Hon. A. S. Porter, of Michigan.

Washington, December 20th., 1844.

Dear Sir:—Having been of the number of whigs in the Senate, who, were most anxious for the passage of the Tariff bill of 1842, (without reference to the land distribution section, against which Mr. Tyler had opposed the insuperable barrier of the Veto), I have a very distinct recollection of the obstacles to be overcome, in order to accomplish that object. It is certainly matter of surprise to me to learn that you have been suspected in any quarter of a want of fidelity to that measure. The single and only danger that threatened the bill, as is well known grew out of an unwillingness of a portion of the whigs, to yield the land clause. It was to meet and overcome this, that the efforts of the friends of the bill were directed. Nine whigs, where known to be against it. Not all of these however were so on account of the absence of the "Land Section." But there were two others, who had indicated a purpose to vote against it, for that cause alone. The position of these eleven gentlemen was well known, (as indeed was that, of every other member,) and it was therefore evident, that the measure must be lost, unless a portion of them would yield. Those two and those only did yield, and by their votes, together with those of four members of the opposite party we succeeded in carrying it by a majority of one. You were always accounted one of the earliest and most reliable friends of the bill. Indeed I never heard your position seriously questioned. I well remember however that when the yeas and nays, were being taken on the question of engrossment (as they always are in alphabetical order), you were not in your seat to respond. But I also well recollect, that other members were out when their names were called. This practice is very common, pending a debate that has been long protracted. On such occasions it is not uncommon for nearly half the members, to be in the adjoining rooms, but always within the call of the messengers of the House. The cause of your absence at the moment, I supposed to be the same which operated on others,—an impatience to sit under what was deemed a wanton consumption of time in debate, at that late day, in one of the longest sessions of Congress ever held. I have no knowledge whatever, of your having uttered a threat, that you would either vote against the bill or withhold your vote, but as I sat next you, I had occasion frequently to notice indications of much irritation on your part from the cause I have mentioned. I do not believe this feeling was stronger with you than with many others, although your outward manifestations may have been more apparent than theirs. There were many circumstances of a minor character attending the progress of the bill in the Senate of which I have only a general recollection, that were well calculated to try the patience of those who from the first were the warmest friends of the protective policy. I know of no one, who seemed to feel the severity of this test more than yourself.

Very Respectfully, Dear Sir, Your Obedient Servant. A. S. PORTER.

Hon. S. S. Phelps.

No. 8.

Messrs. Miller & Dayton, of New Jersey.

Senate Chamber, Jan. 6th, 1845.

Dear Sir:—In answer to your note of the 19th ult., I have the honor to say that I have no knowledge of your refusing to vote for, or expressing a purpose of either withholding your vote, or of voting against the tariff bill of 1842. I know you were present at the passage of the bill, acting in concert with its friends. There were some expressions of dissatisfaction at the prolongation of the debate, and you with others, manifested impatience for the final vote to be taken, but I discovered no disposition on your part to vote against a measure, of which I know you to be a warm and decided advocate and friend.

With much respect and esteem
I remain yours, &c.

J. W. MILLER.

Hon. Samuel S. Phelps.

I concur, in the above. WM. L. DAYTON.

No. 9.

Hon. Richard H. Bayard, of Delaware.

Senate Chamber, Jan. 7th, 1845.

Dear Sir:—In reply to your letter of the 19th ult., I have the honor to state that I have no recollection of any opposition on your part to the tariff act of 1842, nor of any expressions of dissatisfaction by you in relation to it. On the contrary my impression is, that the measure received your sincere and cordial support. Yours truly,

RICHARD H. BAYARD.

Hon. S. Phelps, U. S. Senator, Washington.

No. 10.

Hon. Thomas Clayton, of Delaware.

Washington, Dec. 27th, 1844.

Dear Sir:—Your note is before me requesting my recollection of the events of the evening on which the present tariff act of 1842 was passed, and you request me to state the relative position of our seats in the senate. You and I sit at the same line of desks, and there is but one intermediate seat between us. After a long and tedious discussion of the tariff bill when almost every one had become wearied with the discussion and when all were anxious for the question, late in the evening Mr. Woodbridge rose to speak. Soon after several members left their seats. Among these I remember Mr. Wright, Mr. Williams and yourself. Mr. Woodbridge spoke a much shorter time than was expected, and as soon as he took his seat the question was put, and the roll was called. Mr. Wright and Mr. Williams came in after the roll had been called through but before the result was announced by the chair, and at their request, their names, were called and they voted. When you voted there was nothing in the manner of giving your vote which drew my attention. It may be well to state the usage which prevails in the senate in reference to this matter of voting. "When the roll is called and a member does not answer, after the roll has been gone through the secretary never calls him again, *but at his own request.* I have *never* seen this usage departed from, and it is founded on the obvious presumption, that the member not having answered when the roll was called, declines to vote. Hence I infer, that when you returned to your place your name must have been called at your own request.

During the whole discussion of this bill, I looked upon you as one of its warmest friends neither knew, nor heard, anything of your unwillingness, to vote for it, nor of any efforts

of others to prevail on you to do so. Your absence, when the roll was ordered to be called is accounted for, to me, by the fact that Mr. Woodbridge closed his remarks much earlier than was expected and the question was put much sooner than any one could have hoped for.

Very respectfully,

T. CLAYTON.

Hon. S. S. PHELPS.

No 11.

Hon. A. S. WHITE, of Indiana.

WASHINGTON, December 25, 1844.

HON. S. S. PHELPS,—Dear Sir: I very cheerfully comply with your request to state what is my recollection of your deportment towards the tariff bill (now act) of 1842, during its pendency in the Senate, though only a general impression remains in my mind. My statement might be summed in a single word, to wit: that you were from first to last the interested friend of the bill, as well as its able advocate. Any other manifestation on the part of a Vermont Senator, whose seat adjoins my own in the Chamber, must have arrested my attention. Very likely you, who though you more frequently than myself engage in debate, still like me, do occasionally grow impatient at that profusion of argument which sometimes mars even the wisdom of the Senate, may have yielded to that feeling upon the occasion of the final debate on the tariff bill, and tired of watching an ever-receding question, may have momentarily absented yourself from the Chamber. But that it was for the purpose of avoiding the vote, or that you required persuasion to induce you finally to vote for the bill, could not, I am sure, have been believed by a single Senator. The tariff of 1842, almost the only trophy the whigs have wrested from a defective administration, is a monument too finished and exquisite to have been carved by trembling or by reluctant hands. Such were not those of either of the Senators whom Vermont, ever true, deputed to do her part of that memorable work.

I am very respectfully,
Your obedient servant,

A. S. WHITE.

No. 12.

Hon. JAMES BUCHANAN, of Pennsylvania.

SENATE CHAMBER, 28th January, 1845.

DEAR SIR,—I have received your note of this date, referring to a charge which you allege has been made against you, relative to your course on the tariff act of 1842, and I can cheerfully state, that to my knowledge, no such occurrence took place, as that to which you advert. I never doubted your friendship to that measure, nor heard that it was doubted, until I received your note.

Yours very respectfully,

JAMES BUCHANAN.

Hon. SAMUEL S. PHELPS.

No. 13.

Hon. J. T. MOREHEAD, of Kentucky.

WASHINGTON, 31st December, 1844.

MY DEAR SIR,—I take great pleasure in conforming with your request, to state my impressions of your conduct and sentiments in respect to the tariff of 1842. I would remark, in the first place, that I have no knowledge of any interposition on the part of the whigs of

the Senate or of the House, the object of which was to induce you to vote for that bill, nor do I know that you, at any time, declared your purpose to oppose it. I was much in your company during the pendency of the tariff bill of 1842, and so far from regarding you as occupying a doubtful position in regard to it, I believed you had the success of it at heart, as much as any other member of Congress. I am not disposed to confine myself to that particular bill. I have ever found you devoted to the protective system, in all its details, and especially watchful of the interests of Vermont; and I avail myself of this occasion to add, that I consider your efforts in the Senate on that subject, of signal benefit to the cause.

With great respect, I am,
My dear sir, your friend,
J. T. MOREHEAD.

Hon. S. S. PHELPS.

No. 14.

Hon. O. H. SMITH, of Indiana.

INDIANAPOLIS, (Ind.) December 27, 1844.

DEAR SIR,—Your letter of the 21st instant has been duly received, in which you inform me (for the first time I had heard the report,) that you had acted as a Senator in the passage of the tariff act of 1842, in a way unsatisfactory to the friends of that measure, and dangerous to the passage of the act, was reported by the enemies of your election. I do not distinctly recollect all the circumstances and individual opinions relative to that measure, while before the Senate; but this much I can say, that I understood you to be one of the firmest of its friends, though you, like many of us, regretted to give up the distribution feature of the first bill. I feel very confident that I never heard anything from you indicating anything other than an honest desire to see that bill become a law; and I feel also very confident that you were not one of those who came in at the last hour to save the bill, but was one of its constant and firm friends.

With sentiments of regard,
Your obedient servant,
O. H. SMITH.

Hon. SAMUEL S. PHELPS.

No. 15.

Hon. WILLIAM SPRAGUE, of Rhode Island.

PROVIDENCE, (R. I.) December 31, 1844.

HON. SAMUEL S. PHELPS,—

Dear Sir: Your communication of the 22d instant was duly received. I regret to hear that you was misrepresented on the occasion of your re-election to the Senate of the United States. I have no recollection of any act manifested by you in any way in regard to the tariff act of 1842, which could afford the slightest foundation for the charge which you inform me was made against you. I have no knowledge, therefore, of any declaration on your part, that you would not vote for the bill, or of any remonstrances or persuasions used, or thought necessary, by me, or anybody else, to induce you to vote. Nor am I aware of any wavering hesitation or reluctance on your part, in the discharge of your duty, or of any purpose manifested by words or otherwise, to embarrass its passage. During the whole time the bill was under consideration, you manifested a deep interest in its favor—gave it essential aid and assistance in perfecting its details, and at all times, as it appeared to me, a cordial and hearty support. So far, therefore, as your whole course in regard to it came under my observation, it was such as to merit the approbation of its most zealous friends in every section of the country.

I am, sir, with great respect,
Your obedient servant,
WILLIAM SPRAGUE.

No. 16.

Hon. Reuel Williams, of Maine.

Augusta, February 9th., 1845.

Dear Sir:—On my return fr om Boston, I find your favor of the 1st instant, and am surprised by its contents. On the occasion you refer to, I had made up my mind to vote for the bill, (although I did not like it), if my vote was necessary to pass it. In coming to this conclusion I was compelled to leave my political friends, and do what seemed to me indispensible to the preservation of the government, and in thus acting, I was excited by appeals, from friends, and the intense interest of the question as I regarded it, and hence took but little notice of the actions of others. I can only say, that in calculating the votes for the bill, you were included, and it was understood, that unless I voted for it the bill could not pass, and if I would so vote with Wright and Buchanan it would pass. As your seat was distant from mine and among your political friends, I could not know what was said among your friends, but I have no recollection that any doubt was entertained of your course, and vote, on our side of the House.

I am very respectfully,
Your Obedient Servant. R. WILLIAMS.

Hon. S. S. Phelps.

No. 17.

Hon. Daniel Sturgeon, of Pennsylvania.

Senate Chamber, Jan. 28, 1845.

Dear Sir:—I received your note of this date, and can truly say it is the first intimation I have had, that you were the lukewarm friend of the tariff act of 1842. I was a close observer of the action of the senators on the passage of that act, and so far from considering you the reluctant supporter of the tariff act of 1842, I had reason to believe you were a friend and advocate. Yours respectfully,

DANIEL STURGEON.

No. 18.

Hon. Silas Wright, of New York.

Albany, Febuary, 17th, 1845.

My Dear Sir:—Your letter of the 31st ult., was received in due course of mail, but official engagements, wholly beyond my control have compelled me to delay a reply until this time. You are certainly not mistaken in assuming that my personal dispositions towards you, are now as they ever have been during a very long acquaintance, such as to make it a pleasure to me to perform any act of kindness towards you, and much more, to do you justice in any matter whatever.

Your seat in the senate chamber during the last session of that body, and I believe, during the whole time you have held a seat in it, up to the close of the last session, was in front of mine, in the next tier of seats, and so near that we could conveniently converse together sitting in our seats. I was in my place in the senate, more constantly than usual on the day on which the question was taken upon the final passage of the tariff bill of 1842, as my position in relation to that question made me a deeply interested spectator of, and partaker in, those proceedings. My previous attempts to obtain amendments to that bill, with the remarks made to sustain my motions to amend, had shown my dissatisfaction with many of the provisions of the bill, and failing to carry any material amendments, it was with great difficulty that I brought my mind to the conclusion that, I could vote in its favor. The considerations which influenced that conclusion, were stated to the senate, on the day to which you refer, that of the final passage of the law. During all my efforts to

amend the bill, I very well recollect to have found you an active opponent, usually speaking, and always voting against my motions, unless, as I think was the fact, you voted with me to raise the duty upon coarse wool. My recollection also is, that in the course of the proceedings of the Senate upon the bill, you made an elaborate speech in its favor, going much farther than I thought was sound or right, in favor of the policy of protection separate from considerations of revenue, and coupled with prohibition, in both respects, as I thought, sustaining the objectionable features of the bill. Upon no occasion did I hear you intimate a disposition either not to vote upon the passage of the bill, or to vote against it, but on the contrary, I at all times considered you one of its most zealous advocates and friends. On the day of the final passage of the bill, I have no recollections of having heard you intimate any disposition to defeat or impede its passage, either by withholding your vote or by voting against it, and had I understood from you, or from any one else, that there was any doubt about your vote, I think I should have recollected it, as my constant impression during that day was, that the fate of the bill depended upon a single vote, and hence the peculiar responsibility I felt about my own vote. I certainly did not upon any occasion, urge you or any other Senator, to vote for the bill, and upon that day I do not remember to have held any conversation with you upon the subject, except that you asked me, sitting in my seat, how I should vote, and I replied that I should soon make a declaration to the Senate on that subject. My inference was, that you desired the passage of the bill and wished to know how I should vote to enable you to determine whether or not it would pass. As to the report of which you speak, about your hesitation in voting, when your name was called, I cannot speak, for this reason: You will recollect that the debate upon the final passage was protracted to a late hour. I had become wearied, and the chamber was crowded and warm. I had been expecting a termination of the debate for some time, and upon the chair being addressed by a fresh speaker, I left my seat and crossed the lobby into the southerly of the Secretary's rooms, where I took a seat by the west window, fronting the avenue. I found Mr. Choate in the room and passed a few words with him, when he left. I had remained seated by the window, as it then appeared, and now appears to me, but a few moments, when the younger Mr. Bassett, one of the messengers of the Senate, came into the room in great haste and told me my name had been called. I went as rapidly as possible to the chamber, but found that the list had been called through, and requested the Secretary to call my name which was done and I then voted. My impression is that one Senator, Mr. Williams, of Maine, came in and directed his name to be called, after me, though of this fact I will not be certain. Other than that, I did not hear any Senator's name called or any Senator give his vote, but I heard nothing at the time, nor have I since, of your reluctance to vote, other than in a casual conversation with your colleague, Mr. Upham whom I met upon his journey to Washington in November last, when he mentioned the reports, about your conduct and vote, on the day of the passage of that bill. I expressed to him my disbelief of the reports, founded upon the fact that I had never before heard a word about them, and I thought the occasion one when any such facts as he said were reported to have been witnessed in your conduct and vote, would have been made the subject of conversation in and about the SenateChamber. I have not the slightest recollection of having noticed or heard, that you had taken offence at any person during that day, and I am sure I did not hear you use opprobrious language or epithets, towards any one, upon that occasion, as nothing of the kind rests upon my memory. I believe I have answered as fully as I am able your enquiries, but if any further and more specific call upon me shall be desirable, I hope you will consider yourself perfectly free to make it. With great respect, I am truly yours, SILAS WRIGHT.

Hon. S. S. Phelps,
U. S. Senator.

No. 19.

Hon. I. C. Bates, of Massachusetts.

Washington, December 24th., 1844.

My Dear Sir:—I have no knowledge or recollection of any such occurrences, as those to which you allude in your letter of the 19th instant, to the Hon. J. W. Huntington and others of the Senate, and am with great respect,

Yours, I. C. BATES.

Hon. S. S. Phelps.

No. 20.

Hon. Alexander Barrow, of Louisiana.

Senate Chamber, January 9th 1845.

Dear Sir:—In reply to your letter enquiring of me whether I heard you use certain intemperate expressions, concerning the Tariff act of '42, or witnessed violent and undignified conduct on your part the day that the final vote in the Senate was taken on that bill, I have to answer negatively. All that I remember concerning your conduct on the important occasion referred to, is the fact that when your name was first called, on the final vote upon the Tariff bill of 1842, that you were not at that time in the Senate Chamber, but that you and my colleague Mr. Conrad, came into the Chamber before the result of the vote was announced by the President of the Senate and that you then voted whether upon the first or second call of your name, I don't recollect.

I am very respectfully, Yours, &c. ALEXANDER BARROW.

No. 21.

Hon. C. M. Conrad, of Louisiana.

New Orleans, December 2, 1844.

Hon. S. S. Phelps,—My Dear Sir: I received, some time since, a letter from the Hon. Mr. Slade of Vermont, the purport of which you can collect from the enclosed copy of my answer to it. I did not think I was at liberty to send you a copy of his letter to me; but considered that justice required that I should transmit you a copy of my answer. I should very much regret, if the incident referred to, should have been by any one so exaggerated, or perverted, as to subject you to any unpleasant consequences.

I remain very sincerely,
Your obedient servant, &c. &c., C. M. CONRAD.

New Orleans, November 30, 1844.

Hon. Mr. Slade,—Sir: I avail myself of the earliest leisure time I have had for some time past, to reply to your letter of the 11th ult., which reached this city during my temporary absence. *I cannot imagine how it should have become necessary to refer to a circumstance so very unimportant as the one you allude to;* but as you say that it is necessary *for the vindication of your character*, that I should relate what occurred on the occasion referred to, I do not feel myself at liberty to decline your request. Instead of answesing *seriatim* the questions you propound to me, I will succinctly narrate what transpired, taking care that this narrative shall embrace substantially an answer to each of your questions. The tariff bill, as you are well aware, encountered great difficulties in its passage, and the debate on it in both Houses was long and somewhat tedious. On the day on which the final vote was taken, the discussion had been protracted until a late hour, and the Senate having been in uninterrupted session from 10 o'clock A. M., the patience, and even the physicel powers of many members were nearly exhausted: Mr. Phelps, in particular, seemed much annoyed at the long continuance of the debate, and manifested great displeasure whenever a member would rise to speak. I had an opportunity of observing this, as his seat was near my own. At a late hour, just as it was supposed the question was about being put, some member (I think Mr. Calhoun) rose and addressed the Senate at considerable length. Mr. Phelps suddenly rose from his seat, apparently much excited, and passed by me, observing that he "would stay no longer," or words to that effect. He went into the small ante-chamber, (where the hats of members are deposited,) and I followed him. Seeing him take his hat and move towards the door leading out of the capitol, I endeavored to dissuade him from going; but he persisted in going. He proceeded down the stairs, and I followed him, until we reached the open air, outside of the building. There he stopt, and became much calmer; and after some little persuasion on my part, he consented to return; and indeed, from that moment, he seemed as anxious to get back in time to give his vote, as I was myself. When we re-entered the Senate Chamber, the Secretary was calling the yeas and nays on

the final passage of the bill. My impression is, that both of our names had been called when we entered. I am certain mine had been; but as it precedes that of Mr. Phelps on the alphabetical list, I cannot speak precisely as to this. I also think that he rose at the proper time, and requested the Clerk to call his name, and answered to it when called. I do not think that Mr. Phelps was called "*just as he entered the Senate Chamber*:" on the contrary, I think, as I have already stated, that our names had both been already called in their regular order, *before* we entered, and that his name was not again called until he rose and requested the Clerk to call it, and that he immediately answered in the affirmative. I have no recollection of his having been "*twice*" called, nor of his asking me "whether *I* had voted." It is possible, however, that he may have done so. I walked up very close to the Clerk's desk, when I asked him to call my name, and it is possible, therefore, that both the Secretary and myself spoke in a low tone of voice. Mr. Phelps, on the contrary, went, I think, directly to his seat, and was therefore at some distance from me. In the noise and confusion that prevailed (the Senate Chamber being crowded with members of the House of Representatives) it would not be at all surprising that Mr. Phelps should not have heard me when I gave my vote. As to the "cause of Mr. Phelps taking the course which rendered my efforts in regard to him necessary," this is more than I can undertake to say. My intercourse with Mr. Phelps has been very slight indeed—scarcely any out of the Senate, and I am therefore not familiar with his department, or his personal peculiarities, if he has any. I have already mentioned that he appeared very much provoked at the conduct of some members in protracting, as he thought unnecessarily and unreasonably, the debate on the bill. I think it due to him, however, to state, that I never for an instant imputed his course to any wish to defeat the bill, (of which he had ever been among the most strenuous supporters,) but solely to some momentary excitement acting upon a temperament perhaps naturally irritable.

These are the circumstances as well as I can recollect them, connected with this occurrence. As it seems, from what you say, that they have been represented (I know not by whom, or for what purpose) in a manner calculated to prejudice Mr. Phelps, I am gratified that I was not the channel through which they became public.

I remain, sir, very respectfully,
Your obedient servant, C. M. CONRAD.

Hon. Mr. Sears, Montpelier, Vermont.

P. S. Thinking it proper that Mr. Phelps should be informed of what I have said in regard to him, I have transmitted to him a copy of this letter. C. M. C.

No. 22.

Hon. W. P. Mangum, of North Carolina.

I have been requested to state my recollections in regard to the Hon. Mr. Phelps' course of action during the discussion of the tariff question, and at the close of the debate in 1842. I regarded him as I suppose every friend of the measure did, a true and steady supporter, even to the verge of excessive zeal, of the principles of protection contained in that law. I think I cannot be mistaken in supposing *that* was the universal opinion among the whigs of the Senate. In regard to his habits of application to business, Mr. Phelps, during that long session, performed very great, useful, and extremely laborious and drudging duties, on the Committee of Revolutionary Claims. I think there could have been no diversity of opinion in regard to the extent and the utility of these labors. My official position brought me to an intimate knowledge of them. I said then, and think now, that the Senate and the country owed him much for the able, impartial, and satisfactory manner in which he discharged those duties. The most of these labors were closed before the end of the spring. During the summer of 1842, Mr. Phelps performed laborious and extremely useful duties upon subjects coming from the Committee of Indian Affairs, and especially in regard to the vast interests growing out of the Choctaw claims. I have long regarded those claims as the most complicated, intricate and difficult, that could be presented, and as enveloped and barricaded by the most ingenious, and, I may, stupendous frauds, that I have witnessed in my public life. The severe labor and eminent ability which Mr. P. brought to those questions, and the fearless manner in which he successfully exposed them, enhanced, I think, greatly his

reputation for legal ability and acumen, and also for a firm, unshrinking moral courage in the discharge of his senatorial duties. WILLIE P. MANGUM.

Washington City, February. 1845.

I am requested further to state whether at the time of the final vote on the Tariff Bill, Mr. Phelps manifested any disinclination to vote for the bill. If he did, I have no knowledge of it. I knew at the time the precise state of the vote before it was given. Upon the declaration of Governor Woodbridge that he would vote for it (at about I think the time of lighting the candles), I knew it would pass by one majority, and in that estimate the vote of Mr. Phelps, was included. So far from the idea having occurred to me that he was likely to prove delinquent, I should have supposed it, as soon of any other Senator from New England.

WILLIE P. MANGUM.

No. 23.

Hon. Wm. D. Merrick, of Maryland.

Senate United States, January 7th., 1845.

My Dear Sir:—Your note making certain enquiries as to my recollection of your demeanor on the occasion of the passage by the Senate of the Tariff law of 1842, has I confess occasioned me no little surprise, because it is the first intimation I have had that there was supposed to be any thing peculiar, or objectionable in your conduct on that occasion. Had there been anything remarkable or peculiar in your conduct on the occasion alluded to, it could not well, have escaped my notice, both because I took a very lively interest in the proceedings on that important Bill, and because your seat in the Senate is in close proximity to my own, and I have pleasure in saying in answer to your enquiries, that I saw nothing in your conduct, nor did I hear any declarations or remarks from you in the least degree irregular, or inconsistent, with the steady and consistent support it was well understood by all you would and did give to the great measure then passed upon by the Senate.

With very great respect, I am dear sir,

Your obedient servant, WM. D. MERRICK.

No. 24.

Hon. Wm. C. Rives, of Virginia.

Castle Hill, April 15th., 1845.

My Dear Sir:—I had the pleasure of receiving a day or two ago your letter dated the 2d instant, and avail myself of the first moment of leisure to reply to it. You inform me that on the occasion of your re-election to the Senate, in October last, there were several matters of charge put in circulation, respecting the manner in which you had performed your official duties, and touching more particularly your conduct on the passage of the Tariff act of 1842,—as that in consequence of some supposed slight on the part of some of your associates, you had used opprobrious language in regard to them, declared on oaths that you would not vote on the Bill, that you were absent from your seat, when the question was put upon the passage of the Bill, that being sent for, you came in and then declined to vote until your name had been called three times. You desire me to state whether, I have any knowledge or recollection of any of these circumstances or of there being anything unusual in the manner of giving your vote, or in your course generally on that important measure. I certainly have no knowledge or recollection, of any such occurrences, as those above mentioned, nor of any thing unusual or extraordinary in your manner of voting or acting on the passage of the act of 1842, for the adjustment of the Tariff. The only thing that is impressed upon my memory, respecting your course upon the Tariff is the very able speech you made against the repeal of the act of 1842, during the session

of Congress before the last, and that, I shall always retain a lively recollection of, as well as of the pleasant and friendly intercourse which subsisted between us during the period of our association in the public councils.

I remain my dear sir, with great respect and best wishes,
Truly and faithfully Yours, W. C. RIVES.

SAMUEL S. PHELPS, ESQ.

No. 25.

Hon. WM. A. GRAHAM, of North Carolina.

RALEIGH N. C. April 16th., 1845.

Dear Sir :—Your letter of the 2d instant, was sent to my residence at Hillsboro, and did not reach me until to day. You state that a communication was addressed to the Whig Convention of Vermont, when about to select a candidate for the Senate in October last, charging in substance that when the Tariff Bill of August 1842, was under consideration in the Senate of the United States, you declared with oaths you would not vote for the Bill, that much effort was used to procure your support to it, that you were absent when the question was put on the passage of the Bill, and that after being sent for and called in, you refused to vote until your name had been three times called, and ask for my recollection as to the truth or falsehood of these several charges. In reply, I have to state that I remember nothing going to substantiate any one of them. I know that many Senators, (at least several) who finally voted for the Bill had determined when it came from the House not to vote for it, (because the provision for the distribution of the land proceeds, had been abandoned,) and that they ultimately yielded their objections and did vote for it. But I have no remembrance of your being one of these. As to hesitation, when called by the Secretary to vote, the only instance remaining in my remembrance is that of one of the Senators from Maine, who did not vote until after the call had ceased (the present) and who then went up to the Secretary's desk, and ascertaining by casting up the yeas and nays that his vote was required to pass the Bill, voted in its favor. I shall at all times be pleased to hear of your health and prosperity, and am,

With the kindest remembrances,
Your friend and servant. W. A. GRAHAM.

HON. S. S. PHELPS,
Senator of U. S.

No. 26.

Hon. WM. S. ARCHER, of Virginia.

WASHINGTON, March 13th., 1845.

DEAR SIR :—Your letter addressed to several members of the Senate asking an expression of their recollection, as regards circumstances of conduct imputed to you in connection with the passage of the existing tariff law in the Senate, has been duly considered. I have to reply to your inquiry, that I have not been able to summon any recollection to my mind of the circumstances to which you refer, so as to authorize me either to affirm their accuracy, or disaffirm it. I can only say, that nothing passed with me, as one of the Senators of of the "whig party," partaking of the character of the occurrences alluded to.

I am very respectfully,
Your obedient servant, W. S. ARCHER.

Hon. Mr. PHELPS.

No. 27.

Hon. JOHN HENDERSON, of Mississippi.

SENATE CHAMBER U. S., January 20, 1845.

DEAR SIR,—I have examined the matters set forth in the preceding pages. I was present when the tariff act of 1842 was passed, and now regret to confess that I felt myself constrained to vote against it. I have no recollection whatever of the acts or conversation occurring in respect to yourself, as before detailed by yourself on this sheet.

Respectfully yours, &c., JOHN HENDERSON.

Hon. SAMUEL S. PHELPS.

[Endorsed on my letter to Hon. George Evans, the same answered by Mr. Evans above.]

No. 28.

Hon. JOHN M. BERRIEN, of Georgia.

[This letter of Mr. Berrien is also endorsed upon the same letter with Mr. Henderson.]

SENATE CHAMBER, 20th January, 1845.

DEAR SIR,—I have no recollection of the facts and circumstances stated on the preceding pages, or any others calculated to show your hostility to the tariff of 1842, when on its passage. On the contrary, I considered you as one of its most decided advocates. My own position was this: There were certain modifications which I desired to make of its details, which had been recommended by the Committee of Finance, of which I was a member, which were rejected in the Senate, not, as I understood, upon their merits, but from a fear that if the bill were amended so as to render it necessary to send it back to the House of Representatives, it would fail there. I did not approve this course, and these amendments being thus rejected without regard to their merits, and one of them particularly affecting the interests of my own constituents, I was compelled to vote against the bill. But before I did so, I stated to the two Senators from New Jersey, and to some others, my determination, if the bill was lost by my vote, instantly to move its reconsideration, when I hoped to obtain a more favorable consideration of the amendments which had been rejected. This was rendered unnecessary by a change of determination, avowed very shortly before the vote was taken, by one of the Senators of Michigan. My position and the responsibility, which in the event that I have stated I was about to assume, of moving its reconsideration, made me a very attentive observer of the proceeding. I counted the votes, as I expected them to be given, and as they were in fact given, and always numbered you among its advocates. It is an act of justice to you, to add, that I considered your argument at the last session as presenting so convincing a view of the propriety of protecting our domestic industry, that I subscribed for a number of copies, and circulated them among my constituents. I am respectfully yours, JOHN MACPHERSON BERRIEN.

The Hon. SAMUEL S. PHELPS, U. S. Senator.

No. 29.

Hon. J. W. HUNTINGTON, of Connecticut.

NORWICH, April 15, 1845.

DEAR SIR,—I have received your letter of the 3d instant. In reply to the inquiry you make, whether I have any recollection of certain occurrences or circumstances which are specified in your letter, and which you observe are brought as charges against you, and to wich I now refer. I answer that I have no recollection that "on the day of the final passage of the tariff bill, August 27th, 1842, you had been offended at some supposed slight or want of attention on the part, &c., and used opprobrious language in regard to them, and

declared with oaths that you would not vote for the bill, (i. e. the tariff bill,) *and that several Senators had made ineffectual efforts to soothe you.*" Nor have I any recollection "that you was absent from your seat when the question was put, was sent for, and coming in, refused to vote until your name had been called three times." Nor do I recollect that I was informed that Mr. Conrad, of Louisiana, "*was endeavoring to persuade you to vote upon that bill.*" If any such occurrences, as are stated above, took place, and I knew, or heard of them, they have escaped my recollection. I do remember that on one occasion, when it was expected that a vote would, or might soon be taken, upon what I deemed an important question, I did not see you in the Senate Chamber, and I believe I inquired of some Senator (perhaps your colleague, Gov. Crafts,) where you was, or I observed you should be sent for; but I do not now recollect what that question was. Some time has elapsed since the tariff act was passed, and occurrences may have taken place connected with it, of which I know nothing, or which I do not now recollect. I have endeavored, however, to reply to your inquiry as to the matters mentioned in your letter, and to which I have referred in my foregoing answer, as far as I am able to reply to them.

Very respectfully,
Your obedient servant,
J. W. HUNTINGTON.

Hon. S. S. PHELPS.

No. 30.

Hon. SAMUEL C. CRAFTS, of Vermont.

[Copy of my communication to the committee, Messrs. Sabin, Morgan, and Camp.]

GENTLEMEN: Agreeably to your request, that I would state all the facts within my knowledge, respecting certain reports in circulation injurious to the character of Honorable Samuel S. Phelps, &c., I present the following statement: From the latter part of April, 1842, to the close of the 27th Congress, I was associated with Judge Phelps in the Senate of the United States, and for about seven months of that time, I was at Washington and in daily intercourse with him. For a few days, on my first arrival at Washington, I took lodgings at the same boarding-house with Judge Phelps, and occupied the same room with him. This boarding-house was situated in Pennsylvania Avenue, and preferring a more airy location during the summer months, after tarrying there some eight or ten days, I removed my lodgings to Capitol Hill; and within two or three weeks thereafter, Judge Phelps also removed his lodgings to the vicinity of mine, and continued there through the summer. I [illegible] only saw him daily in the Senate, but generally every day, either at his quarters, or [illegible]. The same intercourse continued also through the winter session. I have been thus particular, to show what were my opportunities to become acquainted with his general conduct, &c. Excepting about ten or twelve days in the latter part of July, or beginning of August, 1842, his health was good, and his attendance in the Senate, and on the committees, was as regular as that of any other member whatever. During the ten or twelve days above excepted, Judge Phelps was very unwell—was confined to his bed six or seven days of that time, and under the care of Dr. Sewall. He was not only very unwell, but very low-spirited. During this sickness, I saw him every day. It was during this time that the present tariff bill was under discussion in the Senate, and Judge Phelps had been unable to resume his seat in the Senate, but a day or two before the question was taken on that bill, and even then but a short time each day. Judge Phelps had assured me that he would endeavor to be present and vote on the passage of the said bill; for it was understood that without his vote, the bill could not pass the Senate. As Judge Phelps did not appear for some little time after the Senate had called up the said bill, some of the members came to me and wished me to go for him, and persuade him to take his seat. I informed them that he had promised to be there, and if he did not appear before the vote was called, I would go for him. But he soon after appeared, and voted for the bill.* I state this transaction more particularly, as I have heard that it has been represented that Judge Phelps

* Gov. Crafts has confounded the bill which passed on the 5th of August, commonly called the 'little tariff,' with the present law, which was passed on the 27th. What he states here, occurred on the 5th, when I was unwell, and not on the 27th, when it appears from all the testimony that I was present during the day. The error however is not important. The material question is, whether the occurrences stated by Mr. Slade took place. If they did, it is scarcely possible that Gov. Crafts should have been ignorant of them.

had been disposed to withhold his vote, and it was only by the extraordinary exertions of some of the other Senators that he did attend.

While I was at Washington, I never saw Judge Phelps drink but one solitary glass of wine, and no distilled spirits at all. I never saw him when I supposed he had been using any; nor do I believe he was in the habit of using spirits privately, during the time I was at Washington. That his intercourse with the Senators was civil and courteous; and that to my knowledge he had many firm friends in the Senate.

I am, gentlemen,

Very respectfully yours, SAMUEL C. CRAFTS.

No 31.

Hon. Samuel C. Crafts, of Vermont.

Craftsbury, December 23, 1844.

Hon. Samuel S. Phelps,—Dear Sir: Your favor of the 9th instant has been duly received, and I take great pleasure in complying with your request. I fortunately kept a copy of my communication to the committee of the Senate, and of course am enabled to give you the particulars of that statement (a copy of which is enclosed). Upon its delivery, I requested the committee, when they had read it, to return it to me: this, however was never done. When I attended the whig convention, I did it at the request of a member who also introduced me to the convention. I was requested to inform the meeting what I had observed in relation to your general conduct, while I was at Washington. I replied, that having given a statement in writing, which I presumed had been laid before the convention, I would prefer to answer such inquiries as any gentleman present might be disposed to make. I was then asked whether you answered to the first call of your name, on the passage of the tariff bill. I gave it as my impression that you *did:* that I saw you when you came into the Senate, and that you were in your seat when you answered. I was then informed that Governor Slade had said that he was present when the vote of the Senate was taken, and when your name was called; and that your name had been called three times before you answered. I replied that if Governor Slade was in the Senate Chamber at the time, and was positive that such was the case, it might have been so; but was my impression that you answered the first time your name was called after you had taken your seat. I stated, that to my knowledge, you had manifested as sincere a desire for the passage of an effective protective tariff, as any other member of our delegation. That during the discussion of the tariff in the House of Representatives, we had frequent meetings for the purpose of securing adequate protection on wool, and that you were present at all our meetings, and that our exertions were effectual so far as very materially to increase the amount of protection contained in the bill as reported. I was then asked whether I could see you distinctly from my seat. I then explained the location of our seats in the Senate Chamber, and showing that there was nothing to prevent my seeing and hearing you distinctly. Mr. Hale afterwards stated to the meeting, that he was in the gallery at the time the vote was taken—saw you and Mr. Conrad came into the Senate, and was very positive you answered at the first call of your name. I was asked why I had solicited you to leave Brown's, and seek other quarters. I informed them, that on my arrival at Washington, I found you temporarily boarding there,—that it was not your intention to tarry there during the hot weather,—that we had together examined several boarding-houses on Capitol Hill, but found none where we could both be accommodated to our minds, at the same house, or we should have immediately left the Avenue. It was not that I saw anything to create a suspicion that you frequented the bar, for I saw nothing; but that I thought the Hill, being more airy, would be more healthy than the Avenue, during the summer months. I was then asked whether I had any knowledge of your using wine or spirituous liquors freely. I answered that I had never, except on one occasion, seen you drink either wine or spirits, and that was on a visit to the steam-frigate Missouri. After having been shown the ship, the captain invited us to the cabin, and asked us to take a glass of wine with him;—that you took one glass, and I believe no more. I also stated that soon after my arrival at Washington, you were invited to dine with Lord Ashburton, where, to my knowledge, (having

dined there afterwards,) wine was drank very freely. That you returned in good season, free from any apparent excitement, and gave me a particular account of the company, the dinner, and the topics of conversation. I informed the convention, as there had been many different statements made, I was perfectly willing, if requested, to repeat these same statements under oath. I do not recollect all the questions proposed; but the above contains the substance of them.

I remain very sincerely,
Your friend, &c.,

SAMUEL C. CRAFTS.

No. 32.

Michael Larner, Door-keeper of the Senate.

Washington, February 1, 1845.

Sir,—In answer to your communication of this date, in which you desire me to state, "whether I was door-keeper at the time of the passage of the tariff act of 1842, and to state what my recollection of that transaction is," I have to say, I did keep the door at the south entrance to the Senate Chamber, at the time alluded to, and recollect distinctly that you were in your place in the Senate during the greater part of the day. During the evening, you passed out the south entrance two or three times, observing that it was so warm in the Chamber that you wished to go out into the air. On coming into the Chamber on one occasion, it was thought the vote was about to be taken on the final passage of the bill; but it was not, and the discussion was continued. You then came out of the Chamber, and remarked, that "you were tired of the discussion, and would go." Immediately after you left the Chamber, the Hon. Mr. Woodbridge rose to address the Senate, and after he concluded his speech, the question was called for, and the yeas and nays demanded. Mr. Slade, of the House of Representatives, came to the door where I was standing, and asked me if I had seen Mr. Phelps pass out. I told him that he (Mr. Phelps) had passed out a few minutes before. Mr. Conrad came to the door immediately after, and asked where Mr. Phelps was. I made the same reply to him that I made to Mr. Slade. He immediately passed out the door, and in about five minutes Mr. Conrad and yourself returned to the Chamber, and gave your votes for the passage of the bill. Mr. Slade is mistaken if he supposes that I informed him that Mr. Conrad of Louisiana was in an ante-room, *endeavoring to persuade you to vote.* Mr. Slade is also mistaken when he says that I informed him that Mr. Conrad and Mr. Phelps had left the ante-room and gone to another part of the Capitol, and that he sent me in pursuit of them—that I found them, and they returned. I did not go in pursuit of you; it was Mr. Conrad who went for you, as I have before observed.

The above is a true statement of what occurred on the night of the passage of the tariff act of 1842, as far as you were concerned.

Respectfully yours,
MICHAEL LARNER.

Hon. S. S. Phelps.

No. 33.

L. H. Machen, Clerk of the Senate.

Office of the Secretary of the Senate,
February 6th, 1845.

Sir,—In reply to your note, requesting me to state the circumstances, to the best of my recollection, attending the calling the yeas and nays on the passage of the tariff act of 1842, and especially as to an alleged hesitation or refusal to answer to your name when called, I have to state—

1st. That although I find, upon a reference to the original list of ayes and noes, taken on an engrossing, the amendments to the tariff bill, the 27th of August, 1842, that they were called and recorded by me, I have no recollection of any unusual circumstance whatever attending the transaction.

2d. That in the performance of my official duties, as a Clerk in the office of the Secretary of the Senate, I have been in the habit for several years past, of taking minutes of the proceeding of the Senate in their legislative capacity, making out the journal of the Senate for the revision of the Secretary, and calling the names of the Senators, whenever the votes have been taken in a legislative session, by ayes and noes, that I know of no member of the Senate who has answered with more promptness or distinctness to the call when made, than yourself; and that your position on the floor is nearly in front of the Secretary's table, I have no difficulty whatever in hearing and recording your vote.

3d. That in calling the names of Senators, I have considered it proper, when no response has been made, or heard, to call the second time except in cases of known sickness or absence, when the name is called but once. After the call is over, the state of the vote is ascertained, and the List is handed to the Presiding Officer, of the Senate, who announces the result. Should any Senator, desire to vote after his name has been once passed, he rises in his place, addresses the President of the Senate, or requests the Secretary to call his name. But it has not been the practice in the Senate for the Secretary or any one acting in his stead, to repeat the call of any Senator, after the names, have been passed over in Alphabetical order unless the Senator himself should so request. The duty of the Secretary ends, when the call has been made, the votes counted, and the list handed to the presiding officer, and it would be regarded, I presume as an official impropriety if he endeavored by repeated calls to increase the aggregate vote of either the one side or the other; and this impropriety would be the more reprehensible, and glaring, in proportion to the importance of the subject, and as the affirmative and negative votes, approached an equal division.

I have the honor to be,
Your obedient servant.
L. H. MACHEN.

Hon. Samuel S. Phelps.

No. 34.

Mr. Craston to Governor Slade.

Newport, October 23, 1844.

Dear Sir:—I have yours of the 18th instant, requesting me to state my recollection of calling on you in relation to the vote of Senator Phelps on the Tariff question.

I very well recollect that on the day of the final passage of the Tariff act of 1842, in the Senate, I had a conversation with Judge Phelps in the Senate Chamber and was surprised to hear him declare that he would not vote for the bill and that it would be lost. I did not believe he would vote against it or even withhold his vote and yet I felt alarmed for the fate of the bill from the emphatic manner in which he spoke of withholding his vote. I immediately called on you at Mr. Spriggs and stated what had passed between Judge Phelps and myself, and requested you to go to the Senate Chamber and see him. You went immediately to the Senate Chamber, and found that Mr. Phelps was not in his seat, but learned that he waswith one of the Senators in the ante-room. While the Secretary was calling the ayes and nayes on the bill, Judge Phelps came into the Senate and voted for the bill and it passed by one majority;—whether he answered at the first call of his name or not I cannot distinctly recollect.

In great hast &c.
R. B. CRANSTON.

Extract of a Letter from Mr. Cranton to S. S. Phelps, dated December 15th, 1844.

"In answer I have to say that all I have said or written in relation to your vote on the Tariff bill of 1842, is contained in my letter to Gov. Slade (a copy of which I herewith enclose you,) in answer to his letter to me, dated October 18th., 1844, in which he appeals

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to me to confirm or deny what he had stated in relation to the passage of the tariff. I have only to add, and I do it with pleasure, that on no occasion before or since that day, did I ever see or hear anything in your conduct that indicated a feeling of hostility or even indifference towards that important measure, but on the contrary on all other occasions you appeared as anxious for its success as any other member."

I am, &c. R. B. CRANSTON.

Note.—As to what Mr. Slade 'learned' it is evident Mr. Cranston knew nothing, except what he derived from Mr. Slade himself. There is nothing else in the letter except my supposed declaration to Mr. C., which is given naked and unconnected with anything which might serve to explain it,—and testimony of an isolated declaration without the conversation which led to or followed, it is never regarded as satisfactory. When Mr. C. comes to consider that this declaration is utterly inconsistent, as he says, both with my previous and subsequent conduct—that he had no sooner got Mr. Slade there than I came in and voted for the bill of my own accord without any conference with Mr. Slade, and when he comes to learn that not a word was uttered or thought necessary by any one to persuade me to vote for it,—that all this story of my being closeted with Mr. Conrad is a mistake, and that no member of the Senate ever heard of my threats to withhold my vote, he will be satisfied, I think, that he mistook my meaning altogether in what he heard, and that he has done me injustice, not only in his premature and hasty representation of the story, but still greater in putting the story into such ears.

List of Ayes and Noes on the Passage of the Tariff Act, August 27th, 1842.

Ayes.—Messrs. Barrow, Bates, Bayard, Buchanan,* Choate, Conrad, Crafts, Crittenden, Dayton, Evans, Huntington, Miller, Morehead, Phelps, Porter, Simmons, Smith, of Ia., Sprague, Sturgeon,* Tallmadge, White, Williams,* Woodbridge, Wright.* 24.

Noes.—Messrs. Allen, Archer,† Bagby, Benton, Berrien,† Calhoun, Clayton,† Cuthbert, Fulton, Graham,† Henderson,† King, Linn, Mangum,† Merrick,† Preston,† Rives,† Sevier, Smith of Conn., Tappan, Walker, Woodbury, Young. 23.—

* Democrats. † Whigs.

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